

Current History

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JULY, 1973

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This second issue in our three-issue set on social welfare in America traces the history of public responsibility for social welfare and the role of the government in the United States. Our first article, on the changing American attitudes toward poverty, concludes that in the post-World War II era, "The concept of the moral failure of the poor, which was rooted in pre-colonial European assumptions, and modern American racism had become intimately entwined. Attitudes toward the poor in the 1960's simply reflected the knowledge, concerns, problems and prejudices of the day."

American Attitudes Toward the Poor: A Historical Overview

BY NEIL BETTEN

Associate Professor of History, Florida State University

LEADERS OF PUBLIC OPINION in Western civilization have almost always suspected the integrity of the poor. Attitudes and hostilities, however, have changed and evolved. Theology, politics, ethnic diversity and racism, the degree of labor scarcity and the amount of unemployment have determined public attitudes toward the poor and the destitute.

Most immigrants in the New World arrived poor; established and well-off Europeans seldom underwent the hardship necessary to start a new life. At least one-third of all seventeenth-century immigrants came as indentured servants; others arrived as slaves; and many were free laborers and skilled artisans. All were poor, even the artisans, for they could rarely save enough to tide them over economically depressed times. Colonial spokesmen took poverty for granted. Destitution, however, constituted a social problem, and the poor easily became the destitute. Severe winters put outdoor laborers out of work, created abnormally high firewood costs (which quickly depleted savings), and slowed down the economy, which affected anyone with a marginal income. Epidemics forced migrations from afflicted towns, while those too poor to leave faced sickness and death in their families, and curtailed personal income because of a contracting economy. Sailors and immigrants occasionally left stranded, sudden influxes of rural poor

fleeing frontier wars, and widows and orphans added to the lists of the destitute.

Yet seventeenth-century colonial spokesmen condemned the vast majority of the destitute as lazy and immoral. Historians have often pointed to this attitude among the Puritan elite of New England. To the Puritans, poverty indicated a lack of God's grace, an evidence of evil. In medieval Catholic Europe, on the other hand, theologians, Church leaders and people of substance had viewed the poor more positively: poverty did not constitute a crime but a condition providing a means for others to do good works. The destitute had a right to the assistance which the parish, religious hospital orders, guild subsidiaries, or the towns provided.

Actually, attitudes toward the poor hardened in the mid-fourteenth century. The Black Death (bubonic plague) decimated the population of Europe, and rates for labor soared (resulting in the Statute of Laborers in England). Under such conditions, to be unable to work became antisocial, and poverty became a crime linked to vagrancy. Later, European Puritan attitudes reflected both the institutionalization of the anti-poor hostility of the fourteenth century and the interests and needs of the Puritan merchant class.

Seventeenth century New England Puritans theologically rationalized the usually acute colonial labor

shortage. The unemployable could not be condoned. Basing policies on their English legal heritage, by mid-seventeenth century, New England colonies "warned out" newcomers whose future income seemed dubious. Poor arrivals did not become official inhabitants but served on probation for three months to a year if a local sponsor agreed to provide financial assistance in emergencies. Boston did not permit "strangers" to visit the city for more than two weeks without the city government's permission. After 1639, a townsman had to provide security for all strangers. New England colonies commonly punished the "idle poor." In 1662 and 1692, Massachusetts statutes provided for the public whipping and imprisonment of unemployed who were "fit and able to work." Rhode Island, which declared vagrants an idle and vicious burden, made similar provisions, as did Connecticut, which did not legally distinguish between vagrants and paupers until 1713.¹

Major Puritan spokesmen, even contributors to the "worthy poor," echoed the official hostility to the destitute. The Reverend Thomas Hooker, founder of Connecticut, argued that the poor should not be aided from the fund that supported the ministry: "neither rule nor reason leads us or allows us to relieve the poor by all our good things." In 1680, Governor Leet, also of Connecticut, claimed that: "Beggars and vagabond persons deceived people with false news, and cheat and steal; but when they are discovered they are punished, according to the offense." Cotton Mather, although stating his concern for the poor, advocated extreme caution in providing charity. In a widely approved sermon, he pointed out that "instead of exhorting you to augment your charity, I will rather utter an exhortation . . . that you may not abuse your charity by misapplying it." "For those who indulge themselves in Idleness," he had less kind words: "The Express Command of God unto us is,

that we should let them starve," he stated in another sermon.²

This attitude was not distinctly Puritan. Although every colony had a separate economy, relationship with the mother country, and religious and theological framework, each colony held similar attitudes toward the poor. New York, under both the Dutch and English, threatened potential paupers. In 1642, Peter Stuyvesant ordered that strangers could not stay in the city more than one night without reporting to the city government. The Quaker leadership of Pennsylvania provided sustenance to the poor but also viewed them as a suspect element. In Virginia, a 1645 statute which provided for the binding out of children of the unemployed was described as necessary to avoid the "sloath and idleness wherewith such young children are easily corrupted." A 1727 act complained of "diverse idle and disorderly persons" who choose to "stroll from one country to another, neglecting to labour." The seventeenth and early eighteenth century elite, as a group, viewed the destitute as primarily lazy, immoral and anti-social, and (with some obvious exceptions such as the blind and widowed) as basically a criminal class.³

THE GREAT AWAKENING

In the eighteenth century, the number of destitute grew considerably; expanded cities encountered increasing problems as epidemics and severe winters continued. In addition, European wars repeatedly spilled over into the colonies, creating refugee and widow problems and disrupting trade and commerce. An increased population base and a more circular economy resulted in considerably less scarcity of labor. Destitution, therefore, did not constitute the social villainy of previous years.

In addition, the mid-eighteenth century religious revival known as the Great Awakening lessened animosity to the poor. The preaching of charity made the destitute more respectable. To be sure, many spokesmen of the middle and upper classes disparaged the "vicious poor" and still viewed charity with suspicion. "I think the best way of doing good to the poor," said the plain-speaking Ben Franklin, "is not making them easy in poverty, but leading or driving them out of it." On this issue, however, Franklin was less representative than the preachers who fostered a humane attitude and popularized philanthropy among all classes.⁴

Other developments also indicate some change in attitudes toward the poor. Willing property to charity became a major eighteenth century philanthropic thrust. By 1750, the major colonial towns, as historian Carl Bridenbaugh put it, "seriously attacked the pauper problem." Almshouses and workhouses provided more effective segregation of the poor from other custodial groups. Society still regarded "able-

¹ Marcus W. Jernegan, *Laboring and Dependent Classes in Colonial America, 1607-1783* (Chicago: University of Chicago Press, 1931), pp. 192, 200.

² Samuel Mencher, *Poor Law to Poverty Program* (Pittsburgh: University of Pittsburgh Press, 1967), pp. 43-44; Robert H. Bremner, *American Philanthropy* (Chicago: University of Chicago Press, 1960) p. 14.

³ Jernegan, *Laboring and Dependent Classes*, pp. 80, 179-180; Bremner, *op. cit.*, p. 10.

⁴ Bremner, *op. cit.*, pp. 17, 21; Jonathan Asbley, "The Great Duty of Charity considered and applied in a Sermon, preached at the Church in Brattle-Street, Boston, on the Lords-Day, November 28, 1742," p. 19; Charles Chauncy, "The Idle-Poor secluded from the Board of Charity by the Christian Law. A Sermon for encouraging Industry and employing the Poor." August 12, 1752, p. 17; Benjamin Colman, "Our Merchandise of a People. Holiness to the Lord. A Sermon Preached in part at the Public Lecture in Boston, July 1, 1725. In Part at a Private Meeting for Charity to the Poor, March 6, 1726, and now published as a Thank-Offering to God for repeated Surprising Bounties from London for Uses of Piety and Charity," p. 38. The above sermons were reprinted in David J. Rothman, *The Charitable Impulse in Eighteenth Century America, Collected Papers* (New York: Arno Press, 1971).

bodied vagrants" negatively, but the impotent poor became worthy of public charge and serious public concern on a larger scale.⁵ John K. Alexander's study of the poor in late eighteenth century Philadelphia found that the "vicious" poor were feared and despised, but that social critics attacked poverty.⁶

INCREASING HOSTILITY TO THE POOR

With a significant pattern of exceptions, social welfare became less responsive to the needs of the poor from 1820 to the latter quarter of the nineteenth century. The period of prosperity from 1820 to 1837 insulated the wealthy few from the needs of the less visible destitute, while neither immigration nor local sources could fully satisfy the labor needed for the beginnings of industrialization. With labor scarce, the unemployed seemed irresponsible. It is not surprising that the major social welfare institutions that became prominent during this period viewed their role as guarding against the possibility that the lower classes would take advantage of charitable agencies. The destitute they saw as morally reprehensible.⁷

A series of state investigations in the 1820's also heralded a tightening of the welfare apparatus and an increasing hostility to the destitute. State reports from New York, Massachusetts, New Hampshire and Pennsylvania stressed the so-called laziness and extravagance of the poor. The highly acclaimed 1824 report of the New York Secretary of State, John Yates,

recommended that no able-bodied people between 18 and 50 years old be supported at public expense.⁸ Josiah Strong, a representative of the American elite, considered the poor of the slums as a "mass of venomous filth and seething sin, of lust and drunkenness," although he changed his position in later years.⁹

This unrealistic, negative and hostile attitude toward the poor softened considerably during the depression of 1837-1843 and, to a lesser extent, during the panics of 1847 and 1857. Only the most conservative critics of the poor ignored the obvious impossibility of finding employment.¹⁰

The attitudes aroused by the depression did not completely die out. Following the 1840's, a small group of analysts continued to argue that unemployment, destitution and poverty affected even the industrious. Not only did Horace Greeley add his influential voice to this position, but a smattering of publications appeared to defend the poor.¹¹

The increased pace of industrialization in the last third of the nineteenth century, the flow of immigrants to urban centers, the emergence of large-scale industrial depressions, the fear of social upheaval, and the reality of working class riots and labor terrorism had their effects on American attitudes toward the poor. Two diverse positions emerged, related to past American attitudes but with new facets that responded to changing conditions.

THE CHARITY ORGANIZATION SOCIETY

First, a hostile view of the poor continued. In a period in which it became fashionable to justify goals and prejudices as science, the most important charitable institution declared itself to be the leading advocate of scientific charity. The Charity Organization Society (COS) became established in the United States in 1877, a year of massive labor rioting. The COS hardly differed from its predecessors, except in bureaucratic structure and in its partial role as an agency which referred the needy to other institutions (after a proper investigation). Although emerging during the depths of a depression, it minimized unemployment and considered pauperism a sickness freely chosen through laziness, drinking, extravagance and sexual vices. The COS regarded itself as the policeman of the "charity movement." In addition the institution's spokesmen considered government assistance—especially outdoor relief (non-institutional aid to the poor in their own homes)—as fostering dependency.¹²

Some went further than the charity movement leaders. Although most Social Darwinists did not advocate a complete end to charity, they did argue that charity perpetuated the weaker elements of society and that destitution was useful in culling inferior people. The Social Darwinist belief that progress resulted from the elimination of the unfit exalted Amer-

⁵ Bremner, *op. cit.*, p. 25; Carl Bridenbaugh, *Cities in the Wilderness, Urban Life in America, 1625-1742* (N.Y.: Knopf, 1964) p. 392; Jernegan, *Laboring and Dependent Classes*, pp. 201, 208.

⁶ John K. Alexander, "The City of Brotherly Fear: The Poor in Late-Eighteenth-Century Philadelphia" in *Cities in American History*, Kenneth J. Jackson and Stanley K. Schultz, eds. (New York: Knopf, 1972), p. 81. See also Bremner *op. cit.*, p. 47; Raymond A. Mohl, *Poverty in New York, 1783-1825* (New York: Oxford University Press, 1971), pp. 137-158.

⁷ Bremner, *op. cit.*, p. 6; Robert H. Bremner, *From the Depths: the Discovery of Poverty in the United States* (New York: New York University Press, 1964) p. 5; Blanche D. Coll, *Perspectives in Public Welfare, A History* (Washington, D.C.: U.S. Department of Health, Education and Welfare, 1969), p. 34.

⁸ Mencher, *Poor Law*, pp. 131, 144; Coll, *Perspectives*, p. 21.

⁹ Bremner, *From the Depths*, pp. 5-6; "The Position of the Parties," *The American Review* (June, 1845), p. 21; "The State of the Poor," *The Knickerbocker* (July, 1849), p. 1; Mencher, *op. cit.*, p. 144.

¹⁰ Coll, *Perspectives*, p. 33; Samuel Resneck, "The Social History of an American Depression, 1837-1843," *American Historical Review* (July, 1935), pp. 666-667; Bremner, *From the Depths*, p. 4; "The Benevolent Merchant," *Merchants Magazine and Commercial Review* (July, 1839), pp. 95-96.

¹¹ "Excessive Labour," *The Herald of Truth* (January, 1849), p. 28; poetry in "Gleams of Soul" in *ibid.*; John A. Reed, "To Correct Social Errors," *The American Expositor* (May, 1850), pp. 14-15; C. E. Norton, "Dwellings and Schools for the Poor," *North American Review* (June, 1852), p. 465.

¹² Roy Lubove, *The Professional Altruist: The Emergence of Social Work as a Career, 1880-1930* (New York: Atheneum, 1960), p. 8; Coll, *Perspectives*, p. 45.

ican business leaders as the most fit. They, in turn, praised and supported the theory. English Social Darwinist Herbert Spencer's most noted American disciple, Andrew Carnegie, believed that charity should come "but rarely or never . . . at all. Abolish poverty," he argued, "and what would become of the race? Progress, development would cease."¹³

To move from inferior individuals to inferior races was only a small step. Poverty had been linked to the Irish even before the immigration of the late 1840's. With the late nineteenth century immigration from east and southern Europe, the association of poverty and racism accelerated. The Polish were supposedly poor, for example, because they were ignorant, lazy and dirty, according to critics of the new immigrant. This thrust became a major aspect of American criticism of the poor.

A second school of thought arguing that poverty resulted from social and economic factors which the poor and the destitute could not control grew out of several circumstances. The obvious unemployment stemming from the long depressions of 1873-1878 and 1893-1898, academic studies by institutional economists, and data gathered from a variety of fields resulted in an environmental outlook. Diverse intellectuals, such as economist John R. Commons, in 1894, found that "the individual, if his lot be in the unpropertied class, is destined, as a rule, to remain there." "Here and there one will release himself from [poverty]," wrote novelist William Dean Howells, "but, for the great mass, captivity remains." President E. B. Andrews of Brown University pointed out that "A great many men are poor without the slightest economic demerit." At the end of the depression of the 1870's, Henry George, in *Progress and Poverty*, received considerable attention when he argued that wealth and poverty were dependent on land values over which the individual had little control.¹⁴

Studying the environmental outlook and reflecting the theological heritage and the industrial disturbances of the late nineteenth century, many American religious spokesmen revised their views of the poor. Essentially, they advocated social and economic reforms, and rejected the concept of the poor as evil or morally unfit. Christian ethics, they argued, demanded an attack on a destructive economic system which created and perpetuated poverty.

Eventually, the social Christian viewpoint filtered

into the official bodies of the Episcopal Church. The usually stodgy General Convention, which spoke in the name of the church, took on a social gospel hue. "This Church has been awakened to increased practical sympathy with the worker and suffering classes, victims of social wrong, of unequal laws, of intemperance in drinks and an unscrupulous traffic in them, and sometimes of merciless wealth," a pastoral letter stated in 1883. The Committee on Capital and Labor of the Congregationalist's National Council identified the capitalist wage system with "the pagan philosophy of life" and demanded "some modification" to aid the lower classes. Social Gospel Baptists organized the Brotherhood of the Kingdom, led by Walter Rauchenbush, perhaps the country's leading spokesman for a Protestant social theology. The Presbyterians also had a social gospel wing. Not all Protestant spokesmen took this position. Most, in fact, did not, but among the more conservative element there still appeared support for specific church programs established to aid the poor, particularly in the institutional churches which provided a spectrum of services from recreational facilities to public baths.¹⁵

Catholic and Jewish organizations also responded to and supported the needs of the poor. Both religious groups accepted local responsibility for their own poor through parish and synagogue welfare services. In addition, large-scale organizations, such as the Catholic St. Vincent de Paul Society and the Jewish Baron de Hirsh Fund, supervised more complex and costly needs. No new social gospel was needed here. Both American Jews and Catholics had traditionally rejected the notion of the poor as morally degenerate, accepted the reality of poverty, and attempted to aid their own in trouble. As a writer for the *Catholic World* put it in 1869: "Charity is the test of the Catholic faith."¹⁶

The Social Gospel Movement signaled another change in American perception. Concern moved from a focus on the destitute to a focus on the mass of poor. A new breed emerged to work in immigrant and black communities—the settlement worker. The men and women who worked and lived at the settlement houses—privately run institutions that provided service and sometimes direct aid to the residents of the neighborhood—viewed the socio-economic environment as poverty's cause. They believed in political and economic reform to change the environment and argued vigorously against the philosophy and methods of "scientific charity." Throughout the early years of the twentieth century, settlement house workers gathered statistics and first-hand knowledge which realistically explained the nature of poverty to those Americans willing to listen.¹⁷

In the first two decades of the twentieth century, most social scientists, settlement house workers, and reformers accepted an environmental analysis of

¹³ Harry J. Carman, Harold C. Syrett, Bernard W. Wishy, *A History of the American People*, II (New York: Knopf, 1967), p. 118.

¹⁴ Bremner, *From the Depths*, pp. 21-23.

¹⁵ Henry F. May, *Protestant Churches and Industrial America* (New York: Harper & Row, 1967) pp. 182-4, 187.

¹⁶ A. Young, "Who Shall Take Care of the Poor?" *Catholic World* (1868/1869), p. 734; see also p. 703.

¹⁷ Allen F. Davis, *Spearheads for Reform, the Social Settlements and the Progressive Movement* (New York: Oxford University Press, 1967) pp. 16-20.

poverty, and spokesmen for the private charity associations began to shift their views in that direction as well. "Until the income *needed* for the maintenance of a fair standard of life is *assured*, reported the New York AICP in 1914, "there can be no foundation upon which the visitor from the relief organization . . . can work." Standard academic works echoed this sentiment. Whereas in the early 1890's Amos Warner's *American Charities* discussed at length the "Personal Causes of Individual Degeneracy," ten years later Charles R. Henderson's *Modern Methods of Charity* found personal causes of poverty resulted from "the whole social body." Henderson's position became the common academic and professional view, as seen in such widely used college texts as John L. Gillen, *Poverty and Dependency, Their Relief and Prevention* (1921), and in positions taken by reform magazines like *The Outlook* and *Survey*.

During this period, American reformers realistically analyzed poverty, but naïvely believed it could be permanently overcome by means of minor political and economic adjustments. This optimism ebbed in the 1920's, as intellectuals began to regard the idealism of the previous decade with contempt. Although most Americans voted for conservative national tickets in the 1920's and the media consistently praised successful businessmen, reformers and social workers continued their activities and maintained an environmental view of poverty. Nonetheless, businessmen—particularly if anti-union—many in the insulated and prosperous middle class, and people with racial or ethnic anxieties rejected the view of the poor held by social analysts.¹⁸

The Great Depression brought a deceptive unity in American attitudes toward the poor. As members of the middle class lost their positions of status and joined the ranks of the unemployed, to be poor became, if not respectable, at least taken for granted. In the early days of the depression, newspapers concentrated on personal tragedies and human interest stories concerning newly derived poverty. As this became commonplace, however, public discussion of the extent and causes of unemployment appeared more frequently. The election of President Franklin Roosevelt was a mandate to change the economic environment politically and end the poverty created by the depression. Many groups, from the Communist party to the Catholic Worker Movement, from the Democratic party to the Share the Wealth

Movement, proudly claimed to speak for a segment of the poor. Social workers, academic theorists and most ordinary Americans believed that the obvious lack of jobs was the cause of poverty.

Yet others continued to link poverty with race and national origin. In the relative urban prosperity of the 1920's, an increasing hostility to immigrant and black migrants to the city stimulated negative attitudes toward the poor which became linked with racism. This trend continued in the 1930's: the *Saturday Evening Post*, the American Legion and many local governments carried out a concerted campaign against unemployed Mexican-Americans. Blacks likewise continued to take the brunt of familiar accusations. To be poor itself was blameless, but to be poor and black or chicano was to be stigmatized.¹⁹

American attitudes toward the poor in the post-depression years built on this dichotomy. Professionals and scholars dealing with the poor almost universally held an environmental view of poverty, while middle America saw individual shortcomings, particularly laziness, sexual excesses, and the misuse of public assistance as the causes of poverty. Those hostile to the poor considered these traits to be directly related to race; this view became the major observable attitude for several reasons.

The New Deal reforms had not resolved the problem of poverty, but had primarily attempted to deal with those unemployed who were potentially employable. In the post-depression years, job opportunities grew, but there were few opportunities for dependent children, the old, or the under-educated. A large-scale black migration to urban centers from the South resulted in a spectacular acceleration of relief rolls, while jobs seemed available—at least to employed whites. The traditional hostility to the unemployable in periods of labor scarcity became coupled with simple racism. Irrespective of considerable black economic gains in the 1960's—income for white families went up 69 per cent while income for black families approximately doubled—the vocal silent majority saddled blacks and other minorities as responsible for the "welfare mess."

The concept of the moral failure of the poor, which was rooted in pre-colonial European assumptions, and modern American racism had become intimately entwined. Attitudes toward the poor in the 1960's simply reflected the knowledge, concerns, problems and prejudices of the day.

Neil Betten is the co-editor of *Urban America in Historical Perspective* (New York: Weybright, 1970), author of the forthcoming *The Catholic Leadership and the Industrial Worker* (Tallahassee: Florida State University Press), and co-author of the forthcoming *Ethnicity and the Industrial City, Gary, Indiana, 1906-1950* (New York: Twayne).

¹⁸ Bremner, *From the Depths*, pp. 125-126, 134.

¹⁹ On Mexican-Americans and the depression see Abraham Hoffman, "The Repatriation of Mexican Nationals from the United States during the Depression" Ph.D. dissertation, University of Southern California, 1970; Neil Betten and Raymond A. Mohl, "Racism, Repression, and Repatriation: Mexican Life in Gary, Indiana, During the Great Depression"; forthcoming article in *Pacific Historical Review*.

From the 1600's to 1932, "the essential framework created by the Elizabethan Poor Law of 1601 continued to shape public welfare programs." Yet after the 1820's, "the generally benevolent and humanitarian attitudes toward the poor which predominated in colonial times began to give way to a harsh moralism which blamed poverty upon the poor themselves."

Three Centuries of American Public Welfare: 1600-1932

BY RAYMOND A. MOHL

Associate Professor of History, Florida Atlantic University

PUBLIC WELFARE IN THE UNITED STATES has a long history dating back to the earliest British colonies in North America. Few British colonies were immediate financial successes, and most early settlers came poor and stayed poor. During the hard, early years of colonization, new arrivals remained dependent upon the British connection even for the bare necessities; not all prospered and not all survived. It has been estimated that over the whole colonial period almost half of all colonists came as indentured servants—surely a measure of the extent of economic deprivation among newcomers to the American colonies. Ironically, as the colonial economy matured and as commercial and agricultural profits stimulated prosperity, the uncertainties of a more complex economy also brought business fluctuations and depressions, low wages, and periodic unemployment for those without skills. Town and farm grew increasingly interdependent, and those on the lowest rungs of the economic ladder had few protections against hard times. Moreover, like any society, colonial America had its share of orphans, widows, elderly, blind, "sick poor," and other helpless dependents. Thus, from the very beginning of the New World experiment, the problems of dependency and relief faced American colonists.¹

Colonial Americans responded to poverty and dependency in predictable fashion; they imitated Eng-

land's traditional poor laws and welfare practices. As feudalism gave way to a wage-oriented economy in England, and as ecclesiastical relief broke down during the Protestant Reformation, the government had assumed responsibility for social welfare. The great Elizabethan Poor Law of 1601 codified previous practice. The law charged the parish—the unit of local government—with care of the poor, prescribed local taxation for this purpose, and recommended apprenticeship programs for poor children and institutional facilities for various categories of dependents: a poorhouse for those incapacitated by illness, injury or age; a workhouse for the able-bodied unemployed; and a house of correction for "sturdy beggars" and others able but unwilling to work. By the middle of the seventeenth century, residency requirements for relief had been added, stipulating that only those who had obtained a legal parish residence or "settlement" (acquired by birth, apprenticeship, land ownership, taxpaying, or office holding) were eligible for local assistance. Non-residents who became dependent were to be removed by local "overseers of the poor" to their place of legal settlement, which would be obliged to provide for them. There were wide variations in the local application of these laws (few localities, for example, could afford three separate institutions), but nevertheless they established the parameters for public welfare both in England and in British North America.²

Every British colony enacted poor laws, modeled upon those of the mother country. Some regional differences, to be sure, developed in poor-relief administration. In New England, public assistance became a town function. In the southern colonies, relief was administered on a parish basis by church-related officials. In the middle colonies, features of both sys-

¹ Abbot E. Smith, *Colonists in Bondage* (Chapel Hill, N.C.: University of North Carolina Press, 1947); Jackson Turner Main, *The Social Structure of Revolutionary America* (Princeton, N.J.: Princeton University Press, 1965).

² Karl de Schweinitz, *England's Road to Social Security* (Philadelphia: University of Pennsylvania Press, 1943), pp. 20–29, pp. 39–47; Samuel Mencher, *Poor Law to Poverty Program: Economic Security Policy in Britain and the United States* (Pittsburgh: University of Pittsburgh Press, 1967), pp. 3–53.

tems prevailed. But the basic principles of public responsibility for the poor, local taxation, settlement and removal, apprenticeship, and institutional facilities where necessary continued in every colony throughout the period.³

For the non-settled poor—those without a legal residence—removal or “warning out” became a standard practice. For those who met the residence test, outdoor relief—that is, non-institutional assistance to the poor in their own homes—remained the most common form of public aid before the American Revolution. As relief records from seventeenth- and eighteenth-century New York City reveal, this aid took the form of money, firewood, food, shoes, clothing, funeral expenses and medical care for those who met the residency test. Other poor relief practices were also utilized to various degrees in the colonies: for children, apprenticeship and indentured servitude became common; under the “contract system,” local officials boarded helpless dependents in private homes at a fixed rate; under the “auction system,” cities and towns sold pauper labor to the highest bidder. In addition, most large colonial towns and cities established poorhouses before 1750—single buildings which fulfilled the functions of the three separate institutions envisioned by the Elizabethan Poor Law. Thus, the structure completed for the poor in New York City in 1736 received the all-inclusive title of “Poor House, Work House, and House of Correction.”⁴

Most of the poor, of course, lived independently at subsistence levels, but increasingly larger numbers went “on the town” in the colonial period. As early as 1700, the New York City common council complained that “the Cry of the poor & Impotent for want of Reliefe are Extreemly Greivous.” Again, in the winter of 1713, they reported the poor to be “in great Want & a Miserable Condition & must inevitably perish unless some speedy Method be taken for their support.” By the 1760’s, a combination of colonial wars, postwar depression, expanding population, restrictive British legislation, and American boycotts on British trade had aggravated social welfare needs throughout the colonies, especially in the towns and cities. The seriousness of the problem was reflected in rising relief rolls and increasing poor taxes. In 1769, for example, the Boston poorhouse sheltered 270 dependents. New York’s almshouse contained

425 paupers in March, 1772. Other seaport towns also had overcrowded poorhouses, and all supported hundreds of additional dependents by non-institutional means. By the time of the Revolution, public relief had become one of the largest annual expenditures in cities like Boston and New York.⁵

FROM THE REVOLUTION TO THE CIVIL WAR

Despite the image of early America as a land of opportunity, the incidence of pauperism and dependency reached alarming proportions by the early decades of the nineteenth century. To a large degree, expanding welfare rolls were due to the almost continuous arrival of multitudes of penniless immigrants, many without skills or jobs, who sought public relief soon after arrival. Seasonal variations in labor patterns had the same effect: winter weather often suspended commerce and forced many urban workers into temporary unemployment and onto the relief rolls; similarly, during the winters rural farm laborers drifted into the cities, where public charity could often be counted on. Business depressions alternated with periods of prosperity, and thousands of urban and rural workers were periodically thrown into idleness. During the Panic of 1819, for instance, journalist Hezekiah Niles estimated that there 50,000 unemployed in Boston, Philadelphia and New York. Unemployment and hardships of similar proportions occurred in the depressions following 1837 and 1857. And throughout the period, local governments were confronted with the responsibility of caring for a variety of indigent dependents; these included individuals who were orphaned, widowed, aged, insane, blind, deaf and dumb, physically handicapped, and medically indigent. By the middle of the nineteenth century, welfare problems had become catastrophically modern in intensity.⁶

Between the American Revolution and the Civil War, several broad patterns in public welfare emerged. In the first place, the essential ingredients of the old British poor laws, written into new state legislation after the Revolution, remained intact well into the nineteenth century. The church’s connection with public welfare was severed, but otherwise colonial relief policies were continued. Thus, state-mandated poor laws imposed the burden of public assistance upon local government, while residency provisions theoretically protected communities against dependent outsiders. The large poorhouse became a ubiquitous urban institution, typically reserved for the most helpless dependents. By mid-century, such an institution accommodated as many as several thousand inmates at a time. Outdoor relief, however, continued to be the most common method of distributing small amounts of aid (usually in the form of money, food, clothing or firewood) to those in temporary need. During periods of widespread distress or depression,

³ Marcus W. Jernegan, *Laboring and Dependent Classes in Colonial America, 1607-1783* (Chicago: University of Chicago Press, 1931), pp. 175-209.

⁴ David M. Schneider, *The History of Public Welfare in New York State, 1609-1866* (Chicago: University of Chicago Press, 1938), pp. 31-90.

⁵ Raymond A. Mohl, “Poverty in Early America, a Re-appraisal,” *New York History*, 50 (January, 1969), 5-27; Carl Bridenbaugh, *Cities in Revolt* (New York: Knopf, 1955), pp. 319-325.

⁶ Raymond A. Mohl, *Poverty in New York, 1783-1825* (New York: Oxford University Press, 1971), pp. 14-34, pp. 101-118.

municipalities generally expanded this form of aid, setting up soup houses and distributing centers; some even provided work relief for the unemployed. In smaller towns and rural regions, a patchwork of relief practices existed. Some places continued to utilize the contract method or the auction system, while others relied on outdoor relief or established county-wide institutional facilities.⁷

Throughout the period, public welfare remained a primary function of local government. Nineteenth-century laissez-faire principles of government predetermined federal inaction in response to social problems such as poverty and dependency. State governments occasionally provided small annuities to private charitable agencies and institutions or made special appropriations during disasters, depressions or epidemics. But essentially the business of providing day-to-day social welfare services was a local affair handled at the municipal, town or county level.

As the nineteenth century progressed, however, inadequately financed local relief systems became increasingly ineffective. By the 1820's, the residency provisions of the poor laws had broken down. Although they had worked tolerably well in the colonial period, their impact was blunted by the overwhelming mobility of nineteenth century Americans. And there was simply no way they could be enforced in the face of massive infusions of European immigrants, whose "settlement" lay across three thousand miles of ocean. Thus, the seaport cities, where immigrants arrived by the thousands, were forced to provide relief to resident and non-resident dependents alike, simply because there was no place for immigrants to go.

As the local relief system buckled under these pressures, another pattern also became evident. In the cities and larger towns, Americans came to identify the poor and dependent classes with crime, violence, alcoholism, and the general social disorder which seemed prevalent during and after the 1820's and 1830's. As a result, the generally benevolent and humanitarian attitudes toward the poor which predominated in colonial times began to give way to a harsh moralism which blamed poverty upon the poor themselves. This conviction, of course, carried its

own message for action: if the poor had pauperized themselves through drunkenness, impiety, idleness, extravagance, and immorality, public relief would only reinforce such habits; moral reform for the "vicious" poor and work for the idle would cure dependency more quickly than a secure place in the almshouse or a little temporary relief from the overseers.⁸

These changing public perceptions of the poverty problem, combined with rising pressures on inadequate relief institutions and agencies, stimulated some early welfare "reforms." In the 1820's, several state and municipal investigations of the poor laws and their local applications produced seemingly convincing evidence of entrenched pauperism, especially in urban centers. Almost uniformly, the investigations called for less costly alternative relief methods. The hardened moralism of the period demanded welfare cutbacks, limiting aid only to the "worthy" poor—a relatively small group of people who presumably became dependent through no fault of their own. To insure that public aid was the last resort of the poor, life on relief had to be made less appealing—"less eligible," in the terminology of the time—than the worst kind of independent existence. Convinced that numerous "undeserving" applicants lived comfortably on welfare, public officials sought to purge the rolls as much as possible, forcing those remaining into institutions or poorhouses.⁹

During these years, local and city officials turned the relief system into a work-enforcing device. Legislation in most states permitted local officials to impose a work requirement for relief. Every almshouse became a workhouse, and the work test applied indiscriminately to all paupers—children, aged, blind and disabled as well as able-bodied. When Boston's city government established a "house of industry" in the 1820's, a local organization enthusiastically supported the idea: "It is believed there are but few of our poor who, notwithstanding the imbecility induced by previous habits, cannot do something, and very many of them a great deal towards their own support." In 1830, the New York City common council not only tried to maximize pauper labor by turning "to some advantage the labour of the more feeble," but argued as well that work positively improved health and character. In 1834, the Philadelphia Guardians of the Poor refused to replace the almshouse "treadmill" with a steam engine, preferring human power because of the "constant employment" it necessitated. In the 1820's, the Baltimore poorhouse instituted a system of daily charges for maintenance and credits for work; under this system, which was also adopted in Philadelphia, paupers were not dismissed from the institution until they had worked off the costs charged against them. In every city plagued by pauperism in the first half of the nineteenth century,¹⁰ outdoor relief was cut

⁷ Raymond A. Mohl, "Poverty in the Cities: A History of Urban Social Welfare," in Raymond A. Mohl and James F. Richardson, *The Urban Experience* (Belmont, Calif.: Wadsworth Publishing Co., 1973), pp. 104–110; Elizabeth Wisner, *Social Welfare in the South: From Colonial Times to World War I* (Baton Rouge: Louisiana State University Press, 1970), pp. 23–52.

⁸ Benjamin J. Klebaner, "Poverty and Its Relief in American Thought, 1815–61," *Social Service Review*, 38 (December, 1963), 382–399.

⁹ David J. Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (Boston: Little, Brown, 1971), pp. 155–179.

¹⁰ *Ibid.*, pp. 180–205; Blanche D. Coll, *Perspectives in Public Welfare: A History* (Washington, D.C.: U.S. Government Printing Office, 1969), pp. 17–28.

back, and work became the indispensable condition for institutional aid.

The work test, moreover, seemed to have other positive advantages. Municipal leaders clearly saw it as a deterrent to relief, one which would encourage relief applicants to seek, as the New York common council said in 1830, "a course of voluntary industry of their own choice to a systematic Service under the Overseers in the Poorhouse." Resulting conformity to the work ethic would wean the poor from former bad habits, build character and self-reliance, and help stabilize the deteriorating social order.¹¹

THE AGE OF INDUSTRIALIZATION

The patterns of dependency and social welfare which prevailed in the pre-Civil War period intensified during the second half of the nineteenth century and the early years of the twentieth. Urbanization, industrialization and massive immigration transformed the United States during this period, bringing societal disorder and aggravating human and social problems. The poverty and dependency which characterized the seaport cities of earlier years became more widespread and more visible in the larger and more numerous cities of the "age of industrialism."

The causes of dependency were not hard to find. Various categories of helpless poor (aged, diseased, crippled, blind, mentally ill) increased, along with rising population. The Civil War widowed thousands of army wives north and south. Some 25 million immigrants, mostly uprooted European peasants, were drawn to the "land of opportunity" between 1860 and 1920, and crowded run-down slums and filthy tenements in already burgeoning cities. Three prolonged depressions in the late nineteenth century (1873–1878, 1882–1886, 1893–1897) and several shorter business panics made paupers out of workers. During the depression winter of 1873, for instance, about 40,000 laborers in Philadelphia sought public relief, while in New York almost 100,000 workers—one-fourth of the

labor force—went jobless. In Boston in 1903, over 136,000 persons (more than one-fifth of the city's total population of 606,000) were aided by public relief alone.¹²

Low wages, as well as unsteady employment, created dependency. Throughout the period, subsistence living costs consumed the entire wages of underpaid industrial workers unprotected by unions. Catholic economist John A. Ryan concluded in his study, *A Living Wage* (1906), that at least 60 per cent of adult male wage earners in the United States had annual incomes under \$600. About the same time, Massachusetts officials estimated a subsistence annual income for a family of five to be \$754; in New York City, a charity spokesman gave a figure of \$624, or less than \$2 a day. Yet Jacob Riis, author of the pioneering social investigation *How the Other Half Lives* (1890), reported earnings of women in the New York garment industry to be about 30 cents a day. As late as 1912, laborers in 39 mid-western steel plants averaged 16.7 cents per hour for dangerous, physically exhausting work. And as labor economist Paul H. Douglas showed, the real wages of workers never improved, and occasionally declined, even in periods of prosperity in the early twentieth century. Social worker Robert Hunter, in a book titled simply *Poverty* (1904), conservatively estimated four million people dependent on public relief in 1900, and a total of at least ten million living in families with below subsistence incomes. One of every eight Americans lived in poverty, Hunter contended, but in New York and in other large industrial cities the proportion very rarely fell below one in four.¹³

As evidence of widespread social and economic distress mounted during the industrial era, public attitudes toward the poor generally hardened further. The American gospel of individualism continued to foster the belief that any hard-working, moral man could support his family in independence and dignity.¹⁴ While anti-pauperism attitudes grew stronger and relief costs rose, hostility to public assistance mounted. The place of outdoor relief, especially, became a central issue in the welfare debate of the industrial era. An emerging consensus held that such assistance only encouraged more pauperism and greater dependence. And, as if additional arguments were needed, middle class reformers exposed boss-dominated urban machines which blatantly used relief money for political purposes.

Thus, many large cities, beginning with New York in 1874, Brooklyn in 1878, and Philadelphia the following year, abolished outdoor relief entirely. Brooklyn's mayor, Seth Low, contended that these moves placed no additional burdens on the almshouse or private charities, pointedly suggesting that outdoor relief had supported worthless idlers and represented an expensive and useless drain on municipal treasuries.

¹¹ *Minutes of the Common Council of the City of New York, 1784–1831*, 21 vols. (New York: City of New York, 1917–1930), XII, 158; *Seventh Annual Report of the Directors of the Boston Society for the Religious and Moral Instruction of the Poor* (Boston: 1824); Robert M. Hartley, "Removal of Alms House from Bellevue," *Journal of Commerce* (New York), August 30, 1845.

¹² Herbert G. Gutman, "The Failure of the Movement by the Unemployed for Public Works in 1873," *Political Science Quarterly*, 80 (1965), 255; Robert Hunter, *Poverty: Social Conscience in the Progressive Era* (New York: Macmillan, 1904), p. 24.

¹³ *Ibid.*, pp. 1–65; Sidney Lens, *Poverty: America's Enduring Paradox*, (New York: Crowell, 1969), p. 201; U.S. Department of Labor, *Wages and Hours in the Iron and Steel Industry in the United States, 1907–1912*, Bureau of Labor Statistics Bulletin No. 151 (Washington, D.C.: U.S. Government Printing Office, 1914), p. 15; John A. Ryan, *A Living Wage: Its Ethical and Economic Aspects* (New York: Macmillan, 1906), p. 162.

¹⁴ These points are elaborated in Robert H. Bremner, *From the Depths: The Discovery of Poverty in the United States* (New York: New York University Press, 1964).

By 1900, St. Louis, Baltimore, San Francisco, Washington, Kansas City, New Orleans and Louisville had also abandoned outdoor aid.¹⁵

Other cities and municipalities developed deterrents of various kinds to reduce outdoor assistance. Josephine Shaw Lowell of the New York Charity Organization Society gave a rationale for such policies; relief, she contended, "should be surrounded by circumstances that shall . . . repel every one, not in extremity, from accepting it." Another philanthropic spokesman, Charles Loring Brace, in an 1894 address to public relief officials, maintained that all charity "should be connected as much as possible with work." But even "relief work," Josephine Shaw Lowell wrote, had to be "continuous, hard, and underpaid," to deter habitual pauperism. Outdoor relief became the *bête noir* of nineteenth century welfare "reformers"—a seemingly misguided practice which allegedly worsened the conditions it was designed to alleviate. Only punitive work requirements made this form of public assistance palatable.¹⁶

The periodic depressions and resulting massive unemployment in the late nineteenth century occasionally prompted some local governments to provide temporary public work on a large scale. During the depression of 1873–1878, for instance, Boston's Board of Aldermen authorized putting the poor to work on street construction. During the depression of 1893, Pittsburgh officials employed thousands of jobless men to lay out a magnificent park system. Similar public works programs were established in Cincinnati, Indianapolis, St. Louis, Milwaukee and Rochester. More often, however, as in Chicago and New York during the serious economic dislocations of the 1870's, public officials turned a deaf ear to the demands of the unemployed for work relief. Given the tight-fisted nature of public welfare in the industrial era, much of the burden of relief (both outdoor relief and work relief) necessarily fell upon private charity, which was now increasingly centralized, rationalized, and coordinated by the charity organization societies

which sprang up in almost one hundred cities by the 1890's.¹⁷

Although outdoor relief fell into disfavor and partial disuse, the place of the almshouse became less controversial during the industrial era. The reason lay in the increased sophistication of social welfare institutions during the period. The large, central poorhouse, filled with all varieties of dependents, was gradually replaced by a number of specialized public institutions for blind, deaf and dumb, mentally ill, and physically handicapped persons, as well as for juvenile delinquents and various categories of medically indigent patients. Beginning in Massachusetts in 1863, state boards of charities were created to take responsibility for administration of these institutions away from often inept and sometimes corrupt municipal governments. Staffed by professionals, these state boards sought to raise administrative efficiency, reduce welfare costs, and treat dependency from a "scientific" point of view. The emerging group of professional public social service workers, as well as officials from private charities, generally recognized the importance of the categorical institutions for "deserving" cases with special needs. The emphasis on the "worthy" poor, however, usually limited such facilities to those who conformed to acceptable standards and submitted to an often demeaning institutional discipline.¹⁸

FROM THE PROGRESSIVE ERA TO THE GREAT DEPRESSION

The forces making for poverty, dependency and economic insufficiency during the industrial era continued well into the twentieth century. But for the first time, in the early 1900's, the economic inequities and social injustices of industrialism were exposed on a widespread scale by muckraking journalists, social reformers and political progressives. The social investigations spawned by the progressive obsession with facts were combined with simultaneous efforts to eliminate social injustice, to make society more democratic and responsive to popular will, and to bring

(Continued on page 38)

¹⁵ Coll, *Perspectives in Public Welfare*, pp. 43–44, 58.

¹⁶ *Ibid.*, pp. 44–45; Seth Low, "Out-door Relief in the United States," National Conference on Charities and Correction, *Proceedings* (1881), pp. 144–154.

¹⁷ Leah H. Feder, *Unemployment Relief in Periods of Depression* (New York: Russell Sage Foundation, 1936), pp. 67–68, pp. 170–171, pp. 186–187; Frank J. Bruno, *Trends in Social Work, 1874–1956* (New York: Columbia University Press, 1957), p. 109. See also James Brown, *The History of Public Assistance in Chicago, 1833–1893* (Chicago: University of Chicago Press, 1941), and the articles by Walter Trattner and Ralph Pumphrey in this issue.

¹⁸ Alexander Johnson, *The Almshouse* (New York: Russell Sage Foundation, 1911); Homer Folks, *The Care of Destitute, Neglected, and Delinquent Children* (New York: Macmillan, 1902); Sophonisba P. Breckinridge, *Public Welfare Administration in the United States* (Chicago: University of Chicago Press, 1927), pp. 237–551; Roy Lubove, *The Professional Altruist: The Emergence of Social Work as a Career, 1880–1930* (Cambridge, Mass.: Harvard University Press, 1965).

Raymond A. Mohl specializes in American urban and social welfare history. He is the author of *Poverty in New York, 1783–1825* (New York: Oxford University Press, 1971), co-author of *The Urban Experience: Themes in American History* (Belmont, Calif.: Wadsworth Publishing Co., 1973), and co-editor of *Urban America in Historical Perspective* (New York: Weybright and Talley, 1970). He is the general editor of the Urban Studies series published by Kennikat Press. During the 1972–1973 academic year, he held a Younger Humanist Fellowship from the National Endowment for the Humanities.

In the New Deal years, "the notion that voluntary philanthropy and local initiative could sustain the poor [was] replaced by a new pyramid of intergovernmental relationships with Washington at the apex." Nevertheless, "state-municipal and state-municipal federal tensions remained acute . . ." and "local standards . . . remained at . . . a grindingly low level. . . ."

Welfare in the New Deal Era

BY CHARLES H. TROUT

Associate Professor of History, Mt. Holyoke College

ON THE EVE OF Franklin Delano Roosevelt's inauguration as thirty-second President of the United States, children of the unemployed hunted pigeons for meat in the center of Boston's financial district. From Seattle to Dayton to Harlem, jobless men and women set up barter co-ops which functioned like lumber camps, coal mining villages, or other isolated industrial establishments whose employees could not get to the cities to trade.

By March 4, 1933, apple sellers in New York, orange vendors in New Orleans, and pencil hawkers in Newark—all of them jobless—were standing beside apples, oranges and pencils which they could no longer unload. As the nation waited for Roosevelt, seemingly endless lines of unemployed shuffled to municipal welfare windows to receive a pittance which, in the nation's largest cities, averaged roughly \$28.00 a month for those lucky enough to be on the dole. Yet in cashless Chicago, beleaguered Philadelphia and destitute Detroit, fewer and fewer of the urban poor set off from home to get their meager allotments from private charities and public sources: the wells from which relief funds had traditionally flowed—never deep—had run dry.¹

"Our greatest primary task," the new President as-

serted in his Inaugural Address, "is to put people to work,"² and during the next 100 days, the New Deal took its first steps to aid the nation's jobless. Breaking with the Herbert Hoover administration's insistence that localities could manage without help from Washington, New Dealers launched a multi-pronged attack against unemployment. Through the Civilian Conservation Corps (CCC), youths between the ages of 18 and 25, almost all from families on local welfare rosters, were enlisted for work in the nation's forests. Provided with food, a barracks cot, uniforms and \$1.00 a day, recruits were expected to send home \$25.00 a month to help their struggling kinsmen. The \$25.00 would, in turn, be subtracted from local relief payments, thereby allowing cities and towns to accommodate additional recipients.

New Dealers also created the Federal Emergency Relief Administration (FERA) which, during the summer and autumn of 1933, parceled out \$500 million to sustain the unemployed. Half the federal appropriation was given outright to the states for direct relief according to need; the remainder was allocated on a matching grant basis: for every \$3 spent on unemployment relief by state governments, \$1 of federal money was forthcoming. Finally, as part of the National Industrial Recovery Act of 1933, Congress appropriated \$3.3 billion to be spent on construction by the Public Works Administration (PWA). Thousands of jobless workers, especially those in the building trades, would no longer be a drain on municipal, county, and state welfare agencies—or so friends of the New Deal anticipated. To one big city mayor, Roosevelt was no less than "the Moses" who would "lead the people of America out of the land of darkness."³

The web of novel intergovernmental relationships spun by the early New Deal, however, developed unforeseen snarls. The CCC acted with dispatch and

¹ *Boston Globe*, January 26, 1933; J. Stewart Burgess, "Living on Surplus: Unemployed Cooperative Relief Associations," *The Survey*, LXIX (January, 1933), p. 6; Bonnie R. Fox, "Unemployment Relief in Philadelphia, 1930-1932. . . ." *Pennsylvania Magazine of History and Biography*, XCIII (January, 1969), pp. 86-108; Roman Heleniak, "Local Reaction to the Great Depression in New Orleans, 1929-1933," *Louisiana History*, X (Fall, 1969), pp. 289-306; and U.S. Department of Labor, Children's Bureau, *Trends in Different Types of Public and Private Relief in Urban Areas, 1929-1935*, by Emma A. Winslow (Washington, D.C.: Children's Bureau Bulletin No. 237, 1937).

² Samuel I. Rosenman (ed.), *The Public Papers and Addresses of Franklin D. Roosevelt* (New York: Random House, 1938), II, p. 14.

³ *Boston City Record*, May 20, 1933, p. 488.

won widespread popular acclaim. Nonetheless, local governments, rather than adding new welfare clients, frequently chopped relief budgets by roughly the same amount that the federal agency was contributing to CCC families. PWA, with its emphasis upon careful planning of substantial projects, paid out virtually no wages to blue-collar workers until early 1934. While the extreme caution of PWA's chief administrator, Harold Ickes, unquestionably contributed to the agency's start-up difficulties, many cities turned down PWA projects because of the requirement that local sponsors put up 70 per cent of all costs. Saddled by soaring property taxes, collapsing mortgages and joblessness, citizens made it clear to aldermen and city council members that PWA was too expensive. When, in 1935, the national government lowered the local sponsors' share of PWA financing to a more generous 55 per cent, many localities still declined to take maximum advantage of Washington's largesse.

The initial experience of the Federal Emergency Relief Administration also indicated that local outlooks and practices could undermine the national relief effort. Cities and towns, for instance, were separated from Washington by State Emergency Relief Administrations, and the state ERA's were often controlled by men at political odds with big city mayors: T. Semmes Walmsley of New Orleans warred with Governor Huey Long; James Michael Curley of Boston fought with Governor Joseph B. Ely; Thomas E. Latimer of Minneapolis jostled with the Minnesota ERA. Thus, in many cases, decisions on allocating money were made by men who were looking out for rural and suburban interests rather than for the urban poor. Instead of following the equitable formula set by Washington that would have given cities and towns a percentage of FERA funds based on what these localities had been spending on welfare, the state ERA's in many instances allotted the money in proportion to population.

Cities, whose unemployment rates generally exceeded those of suburban and rural areas, were often cheated. Furthermore, cities frequently found themselves victimized by parsimonious state legislatures which refused to spend for relief. When Washington

detected that some of the wealthier states—Connecticut, Massachusetts, Pennsylvania—abounded with skinflints, federal administrators scaled down both direct and matching grants.

Residents of Middle Atlantic, Northeastern, and North Central states, unable to think in broad, national terms, had difficulty in adjusting to the idea that the nation could be no stronger than its weakest links. When, for example, the Deep South received almost 100 per cent of its federal funds in the form of direct—rather than matching—grants, northern politicians yelped in protest. A number of localities also played fast and loose with federal guidelines. Instead of funneling all FERA contributions to the unemployed, city administrations frequently siphoned off federal donations earmarked for emergency make-work and used the money for regular subway, tunnel and street repair projects. The savings, in turn, were often passed on to property owners in the form of tax cuts.⁴

Still, despite snags at the local level, FERA supported close to 3.5 million men and women during the last six months of 1933, and municipal welfare agencies in the 120 largest urban areas spent \$170 million more than they had in the previous year. Through federal-local efforts, the fate of the unemployed was in many ways improving.⁵

In its first months the New Deal, with its unprecedented spending for welfare purposes, had apparently brought decisive change to the nation's treatment of the jobless, but in several respects American habits died hard. Paying an average of \$12 per week to those on work relief (roughly 40 per cent of the FERA beneficiaries were involved), the FERA gave its clients a paltry stipend, which fell below the figure deemed necessary by the Department of Labor to feed, clothe and house an urban family of four.

Moreover, FERA clients who took government funds without lifting a finger endured far greater criticism than those who adhered to a traditional work ethic. Indeed, taxpayers often expressed the view that those on direct relief were getting nothing less than a soul-destroying handout, and for the duration of the depression Americans vastly preferred work relief to cash relief.⁶ In city after city, investigations were staged to weed out welfare "chiselers," and newspapers railed against "boondogglers" and "shirkers."

In addition, the Roosevelt administration did not attempt to interfere with the operation of municipal welfare departments, and relief practices in the nation's largest cities showed little improvement in 1933. Case loads soared while the number of social workers usually remained static; psychiatric care was generally lacking. In most cities, the activities of public and private agencies were not well coordinated, and welfare headquarters tended to remain centralized at a single location—a serious inconvenience for the

⁴ Raymond L. Koch, "Politics and Relief in Minneapolis During the 1930's," *Minnesota History*, XLI (Winter, 1968), pp. 153-170; *Boston City Record*, Sept. 9, 1933, et. seq.; Robert Kelso to Harry Hopkins, Sept. 17, 1933, Federal Emergency Relief Administration Records, Box 130; and Josephine C. Brown, *Public Relief, 1929-1939* (New York: Henry Holt, 1940), pp. 171-217.

⁵ Federal Works Agency, *Final Statistical Report of the Federal Emergency Relief Administration* (Washington, D.C.: 1942), p. 46, and Winslow, *op.cit.*, p. 70. The increased outlays by municipal welfare departments contrasted vividly with private charities in the same cities: private agencies handed out \$30 million less in 1933 than they had in 1932.

⁶ The American Institute of Public Opinion discovered in 1938 that 90 per cent favored work relief to cash relief. *Public Opinion Quarterly*, II (July, 1938), p. 377.

poor. Those seeking local assistance faced draconian means tests which usually had not been adjusted to accommodate those who had suddenly lost their jobs: home-owners, those with life insurance policies, and those who owned automobiles usually faced exclusion. Municipal welfare recipients in cities with more than 500,000 people found that average monthly payments remained at appallingly low levels: Boston, the most generous large city in America, paid an average of \$4.00 less per month in 1933 than it had in 1932, and this amount (\$35.43) was at least 50 per cent greater than the amount received by the jobless in eight of the other twelve major urban centers.⁷

The shortcomings of public welfare in America, glaringly conspicuous in 1933, by no means disappeared in the course of the decade. Despite herculean efforts, the lineal descendents of FERA—including the Civil Works Administration (CWA), a second installment of the FERA, and the Works Progress Administration (WPA)—oscillated in their effectiveness, and encountered appreciable difficulty in persuading broad segments of the population that they should be expanded or even retained. A majority of respondents to polls taken by the American Institute of Public Opinion from 1936 to 1939, it is true, believed that the government was obliged to pay the living expenses of the needy unemployed, that work relief of the WPA type was infinitely preferable to a cash dole, and that federal welfare programs would become a permanent feature of national life. But despite these significant changes, by the close of the 1930's, Americans nevertheless held attitudes generally inimical to an enlightened welfare policy. According to surveys in the late 1930's, a majority felt that communities should reduce relief expenditures and return welfare to state and local governments. And although 28 per cent rated "relief and WPA" as the Roosevelt administration's "greatest accomplishments" during its first six years, 39 per cent listed "WPA and spending" as Franklin Roosevelt's "worst accomplishments."⁸

The reservations about federal intervention, clearly registered in end-of-decade polls, could often be heard in the early New Deal period when the Civil Works Administration was caring for the unemployed. The CWA, a remarkable and humane agency which carried the nation's jobless through the terrible winter of 1933-1934, was from its inception designed as a tem-

porary, crash program. In November, 1933, for instance, Harry Hopkins hastily summoned to Washington some 500 mayors and state officials. Within three weeks, the astonished officials were told, 4,000,000 jobs had to be created. And create them they did. Libraries were recatalogued; sewers were dug; water mains were installed. Artists on the federal payroll designed health posters and painted murals in libraries and schools, while other CWA workers took housing surveys, collected vital statistics, and excavated prehistoric Indian mounds.

Although the vast majority of CWA employees preferred federal work relief to municipal doles, mishaps stigmatized the New Deal efforts; not only conservative elites but workers themselves expressed dismay. Some of the difficulties could be assigned to Washington: funding was uncertain; local administrators received allotments on a weekly basis; and projects therefore were difficult to plan. Moreover, no one knew for certain how long CWA would last, and the program, initially set to end in February, was at the last moment extended to mid-April in the north but was phased out earlier in more temperate areas of the country.

Still, the majority of CWA's problems were caused by local circumstances. An inadequate administrative apparatus in city after city found it taxing indeed to coordinate so many thousands of new workers with hundreds of speedily improvised projects. As a result, men on occasion showed up at work sites where there were no tools or building materials, and newspapers gave inordinate space to difficulties of this sort. Local politicians, eager to gain control of CWA jobs, passed out forged work cards, muscled their ward heelers into administrative positions, and discriminated against ethnic and racial minorities that were not part of their constituencies. As was the case under FERA, tensions between state and municipal CWA offices obstructed Washington's designs: once more state administrators tended to shortchange the big cities with respect to job quotas and dollar allotments. In Boston, for instance, according to the federal formula established by Hopkins, the city's quota during the first weeks of CWA should have been 19 per cent of the 120,000 places assigned to Massachusetts; instead, by the end of 1933, the city had received a scant 10.4 per cent of CWA positions.⁹

Confronted with heel-dragging and outright opposition in several localities, during 1934 and 1935 the New Deal took sterner measures to halt the most flagrant violations of federal rules and regulations. James Michael Curley's Massachusetts, Huey Long's Louisiana and Martin Davey's Ohio, along with Oklahoma, North Dakota and Georgia, were "federalized." In practice, Washington's takeover meant that Harry Hopkins set up a state branch of FERA, appointed a state administrator, and demanded that all

⁷ Winslow, *Trends in Public and Private Relief*, pp. 96-100; Koch, *Politics and Relief in Minneapolis*, pp. 157-159; "San Francisco Relief Survey," *The Survey*, LXIX (November, 1933), p. 390; and Charles H. Trout, "Boston During the Great Depression, 1929-1940," unpublished Ph.D. dissertation (Columbia, 1972), pp. 352-370.

⁸ *Public Opinion Quarterly*, II (July, 1938), pp. 377-378, and III (October, 1939), pp. 585-589.

⁹ *Boston Globe*, November 16, 1933-April 16, 1934; "CWA Project Records," CWA Files, National Archives, Box 21; and Harry L. Hopkins, *Spending to Save: The Complete Story of Relief* (New York: W. W. Norton, 1936), pp. 108-125.

FERA staff members take the federal oath of office. Furthermore, all funds went directly from the Comptroller General of the United States to a federal office under the district system of the United States Treasury for ultimate disbursement: governors, mayors, and ward bosses in the six federalized states no longer touched FERA and WPA checks.¹⁰

Nevertheless, the crackdown on the worst abuses of federal guidelines and the strong efforts to halt political chicanery stopped short of a thorough housecleaning. As the election of 1936 approached, local Democrats—eager for WPA spoils—found the New Deal's political high command ready to yield. WPA workers in several localities were fleeced for campaign contributions; a number of WPA administrative posts were wrested from Republicans and turned over to Democrats. As a short-run political tactic, Washington's relaxation of control was impeccable. As a long-term strategy for earning the nation's trust in a large federal army of work relief clients, however, the display of *macht politik* weakened the principle of federal intervention.

Moreover, Washington's decision to turn back unemployables to local welfare agencies and to relax authority in preparation for the 1936 election dismayed those local welfare officials (schooled in social work during the Progressive Era) who had spent a lifetime working for private charitable organizations or for public welfare reform. In Philadelphia, professional social workers condemned the WPA for abandoning the chronically indigent to local authorities—"God awful poor boards," as one person called them.

Elsewhere, too, the increasing politicization of federally subsidized welfare had undesirable results. In Boston, ethnic discrimination under WPA jumped markedly when Yankee reformers of the mugwump stripe were replaced in 1937 by more politically inclined Irish democrats. The Italo-American North End, for example, received 41 per cent fewer jobs than its unemployment rate justified in the 1937-1940 period, while Irish South Boston obtained 14 per cent more places than its rightful quota warranted. Developments in Philadelphia and Boston suggest not that the New Deal ruled too strongly, as conservatives charged, but that it failed to use its power to keep localities from wreaking havoc upon the WPA.

Despite start-up delays, the inevitable shortcomings of emergency makework, and nagging difficulties at the local level, the Works Progress Administration on balance represented the halcyon era of the New Deal relief effort. Funded in 1935 with a \$4.88 billion

appropriation, the largest peacetime outlay for any single purpose to that date, the WPA was a measurable improvement over earlier New Deal relief measures. Unlike its immediate predecessor, the second FERA, no denigrating means test was demanded. Instead, able-bodied men and women were transferred from local welfare lists to federal jobs and were paid a security wage based on geographic location. WPA earnings averaged \$54.33 a month, roughly \$12.00 more than wages under the second FERA, and approximated prevailing wage rates for privately employed unskilled workers in most areas of the nation. Employing some 2,500,000 men and women each month, the agency became, as a widow on a WPA sewing project wrote to the President, the "salvation" of countless Americans.¹¹

Indeed, if an observer equipped with a magical spyglass could have positioned himself in the middle of the nation in, say, the autumn of 1937 and followed WPA workers from their homes to project sites, the composite picture would unquestionably have appeared remarkable. Nearly three-quarters of those who set out as dawn broke headed for blue collar jobs—constructing and repairing hospitals (2,550 by the time of the program's termination in 1943), refurbishing and building schools (39,397 by 1943), installing sewers and water mains (eventually 50,388 miles were laid), improving old parks and clearing the way for new ones (a total of 542,361 acres were touched by government crews), building new roads and repaving old ones (a staggering 651,087 miles in all).

Meanwhile, the rest of the WPA task force, the service workers, engaged in an extraordinary range of activities. Music teachers in Oklahoma gave lessons to their pupils, young and old (ultimately 200,000 people received instruction in a state with a population of only 2,000,000), while WPA orchestras, baroque ensembles, and choral groups brought classical music to millions who had never before heard a live performance. In large cities, WPA opera employed not only musicians: jobless artists were also hired as set painters, federal actors as spear carriers, writers as publicity agents. Historians intent on inventorying the nation's heritage foraged in attics and basements, while WPA puppeteers performed *Punch 'n Judy* for thousands of children. Young people employed by the National Youth Administration, an adjunct of WPA, headed for schools where they monitored exams, graded papers, and washed test

(Continued on page 39)

¹⁰ Brown, *op. cit.*, pp. 208-211.

¹¹ (Name withheld by author) to Roosevelt, June 21, 1936. Works Progress Administration Records, National Archives, Box 1539. Also U.S. Federal Works Agency, *Final Report on the WPA Program, 1935-1943* (Washington, D.C.: 1947), pp. 7-33.

Charles H. Trout is chairman of the Department of History at Mt. Holyoke College. He has served as editor-in-chief of the *New England Social Studies Bulletin*. His recent writings have been concerned with urban social history during the Great Depression.

"With an increasingly mobile population and a revolution in communications, states' rights and home rule increasingly collide with the federal prerogative to legislate for the general welfare and to protect the right of citizens to equal treatment under the law."

Federal Social Welfare Programs: 1945-1968

BY WINIFRED BELL

*Co-Director of the Center for Studies in Income Maintenance Policy,
New York University*

FROM THE END OF WORLD WAR II through President Lyndon Johnson's administration, there were three phases in the evolution of federal social welfare programs in the United States. There was an initial flurry of high resolve which resulted in laws that pledged the government to assure a job and decent housing for everyone. Then there was a recess, generated by weariness from prolonged war or conservative backlash (depending on the observer's viewpoint), when portentous court decisions presaged the civil rights movement, but the consensus needed to support public social services was elusive. This was followed by the explosion of the 1960's, which produced the largest array of social welfare measures the nation had ever seen.

This article focuses on housing and urban development, employment and manpower, and health care and nutrition. Of course, public programs are subject to constraints that make orderly program development unlikely. The progressive delays in Congress that pile up hundreds of bills toward the end of sessions, the fragmentation of problems resulting from assigning bits and pieces to various congressional committees and federal agencies, the unpredictable rise and fall of appropriations, and the two extremes of bureaucratic behavior—the crash approach or the foot-dragging myopic stance—as agencies develop guidelines for program sponsors, all contribute to the failure of programs that might succeed with fewer handicaps. Whether public or private, local, state, or federal ventures experience these difficulties more often is an open question in social welfare. Because the federal government has assumed more responsibility

in recent years, the searchlight has naturally turned in that direction.

HOUSING AND URBAN RENEWAL

Federal housing and urban renewal policy is directed to three goals: renewing blighted urban areas, subsidizing low and moderate cost housing, and initiating tax policy that will subsidize home ownership. The United States Department of Housing and Urban Development is responsible for urban renewal and for a variety of subsidies for public housing and the rehabilitation, rental, or purchase of single and multi-family dwellings. The United States Department of Health, Education, and Welfare, through the public assistance grants-in-aid, shares the cost with states and some counties for housing welfare families. The most expensive subsidies of all, the tax shelters for homeowners which account for about \$7 billion yearly in foregone taxes, are administered by the Internal Revenue Service.¹ Only rarely are these programs considered together, as decisions are made to improve one or scuttle another.

By the end of World War II, the nation had housing needs accumulated in two decades of neglect. The dislocation that marked the end of the war, the baby boom, and the waves of migration from rural areas to small towns and on to urban centers, and from the south to eastern and western seacoasts and the Great Lakes region, immeasurably complicated the problem. In 1944, the federal government took steps to guarantee low interest loans so that veterans could purchase homes, and in 1949 the National Housing Act was passed to facilitate and encourage housing construction and to refurbish urban slums. These goals were to be achieved in partnership with private enterprise and city and state governments. Cities, for instance, originated plans for urban re-

¹ Henry J. Aaron, *Shelter and Subsidies* (Washington, D.C.: The Brookings Institution, 1972), Chapter IV. By contrast, Aaron estimates that federal, state, and local governments paid only \$1.4 billion for welfare housing in 1966.

newal and spelled out what was to be demolished or rehabilitated, what new community facilities were needed, the planned mix of private and public construction, and time and cost schedules. The federal government approved the plans, compensated relocated families and, through loans and direct grants, subsidized a good share of net project costs.²

Public housing, too, was initiated by localities. (This is the chief reason sites were so difficult to find.) The federal government financed the planning and developmental phase through loans and, when projects were sufficiently advanced, Local Housing Authorities sold tax-exempt bonds to private investors, with federal guarantee of the full cost of principal and interest. In 1969, Irving H. Welfeld estimated that the annual federal subsidy for each public housing unit was about \$1,500.³

The National Housing Act was amended frequently. In addition to urban renewal and public housing, the most important features of national housing policy were FHA mortgage insurance designed to protect lenders against loss from default by borrowers, several major credit institutions intended to increase the flow of credit to housing,⁴ various interest rate subsidies for moderate income housing, and rent supplements introduced during the 1960's in behalf of poor families.

While most people were better housed in 1960 and 1970 than they were in 1950, this was chiefly due to the private construction of suburban homes and the resettlement of the urban poor in the homes vacated by the new suburbanites. The 1949 law contemplated 810,000 new public housing units by 1955, thus markedly stepping up the earlier pace, but by 1970, only 750,000 new units had been completed in three decades, as contrasted with 35 million private dwellings. By 1965, about 1,700 urban renewal projects, thus far costing \$6.1 billion (about 50 per cent from federal funds), had destroyed more homes than all direct federal subsidies helped build. Typically, they were replaced by office buildings, hotels, and expensive

housing complexes beyond the reach of the poor. The rehabilitation of sound but old housing lagged far behind.⁵ By that time, too, urban renewal was being dubbed Negro Removal. Sixty per cent of all displaced families were black.

Subsidized low interest rates, insured loans, and longer-term mortgages primarily helped moderate income families, because they were far better credit risks than the very poor. Studies showed that fewer than 10 per cent of the purchasers of FHA-insured homes had incomes below \$6,000. The rent supplement program held more promise for the poor, but was only a small share of the total thrust.

URBAN PROBLEMS CREATED

Experts have observed that federal housing policy created the urban problem. Certainly it contributed to the phenomenon of crowded black inner cities banded by a Berlin Wall of suburbs. From 1939 to 1950, federal regulations and insurance practices strongly favored the economic and racial homogeneity of urban neighborhoods, just as they facilitated the government-insured construction of white middle-income suburbs. In 1950, two years after the United States Supreme Court outlawed restrictive covenants, federal administrative policy finally shifted to encourage integration, but translation of that policy into practice was another matter. By Executive Order, in 1962, President John F. Kennedy ruled that no federal assistance was available for housing that discriminated on the basis of race. But by that time de facto segregation was the pattern in metropolitan areas, and issues of land use, taxation, jobs, poverty, political control, transportation, and racism were so emotionally laden and intertwined as to defy simple solutions.

Public housing and urban renewal were often scored for their indifference to the human dimension. Until the 1960's few resettlement costs were reimbursed, and local authorities paid more attention to physical than human problems. Public housing was almost predictably located in neighborhoods with insufficient schools, churches, shopping centers, recreational, health, transportation, and employment resources. Three federal laws tried to correct these deficiencies: the Juvenile Delinquency and Youth Offense Control Act of 1961, the Economic Opportunity Act of 1964, and the Model Cities Act of 1966. All sought to involve local residents in planning for neighborhood improvement and new services to provide jobs and job training and to develop skills in negotiation when neighborhood needs were persistently ignored. But all three were too modestly financed to assure enduring improvements. Nor did they succeed notably in changing the style among established agencies from one of competition to collaboration. More seriously, almost from their in-

² For detailed explanations of programs, see Aaron, *op. cit.*, Bernard J. Frieden and Robert Morris, eds., *Urban Planning and Social Policy* (New York: Basic Books, 1968); Gilbert Y. Steiner, *The State of Welfare* (Washington, D.C.: The Brookings Institution, 1971), Ch. 4; Bernard J. Frieden, "Housing," *Encyclopedia of Social Work*, Sixteenth Issue, Vol. 1 (New York: National Association of Social Workers, 1971), pp. 587-605; *A Decent Home*, Report of the President's Committee on Urban Housing (Washington, D.C.: U.S. Government Printing Office, 1969).

³ Irving H. Welfeld, "Toward a New Federal Housing Policy," *The Public Interest*, No. 19 (Spring, 1970), pp. 31-44.

⁴ The most important were the Federal National Mortgage Association and the Government National Mortgage Association, more cozily known as Fannie Mae and Ginnie Mae.

⁵ See Jerome Rothenberg, *Economic Evaluation of Urban Renewal* (Washington, D.C.: The Brookings Institution, 1967).

ception, all three were under the threat of being cut back or dismantled.⁶

Conversely, tax shelters for homeowners were rarely questioned, although they were far more expensive. The homeowner has advantages over renters and other investors. If he were treated like other investors, he would include the rent he could have obtained were he not living in his house in his gross income—just as investors add dividends or capital gains to arrive at their gross income. Then the homeowner would take deductions for maintenance, depreciation, mortgage interest and property taxes, all as expenses in earning his rental income. The difference, or net rent, would become a portion of his taxable income.

Instead, he merely deducts mortgage interest and property taxes from his gross income from other sources. Thus, his taxable income is below that of other investors and, of course, of people who rent. Like so many federal subsidies, these, too, increase in value as the cost of housing increases, and this cost in turn tends to rise with family income. The poor can rarely afford to purchase homes, and so they rarely benefit from these tax windfalls. Until the complex interrelationships and impacts of housing and urban policy are considered simultaneously, solutions will continue to be elusive.

EMPLOYMENT AND MANPOWER PROGRAMS

During World War II, at the height of the productive effort which sustained the war and civilian consumption both here and abroad, the unemployment rate fell to 1.2 per cent, the lowest level since 1906. Anticipating a sharp reversal at the end of the war, a coalition of veterans' organizations, labor unions and grateful citizens brought about the passage of the G.I. Bill of Rights. In the following six years, almost half the young men and women who had served in the armed forces took advantage of its educational benefits. This measure temporarily restrained the growth of the labor force and upgraded the competence of veterans, but there was no consensus for long-term efforts to bring about better coordination—numerically or qualitatively—between

the job market and all job seekers. The best that could be achieved was the Full Employment Act of 1946, with its paper promise of a job for every American who was able and willing to work.

During the following years, there were successive business cycles climaxing in the recession of 1957-1958, when 20 per cent of the labor force was estimated to be working shorter hours or experiencing periods of unemployment.⁷ With each recovery during those years, unemployment rates failed to drop to pre-recession levels, and the concept of "full employment" became an upwardly shifting artifact. Whether the economy receded or advanced, youths, minority groups, women and elderly workers were severely handicapped in competing for jobs. Typically, they were the last hired and the first fired, and too often they could find no decent jobs.

The breakthrough was precipitated by the Soviet Union's success in launching Sputnik. The immediate response was the National Defense Education Act of 1958, which sought to increase and update the supply of teachers, especially in mathematics and related sciences. As the civil rights movement gained momentum, attention turned to less favored occupations. As a result, Garth Magnum noted, in the next decade the nation built a \$2-billion manpower policy almost from scratch.⁸

The new manpower policy was a three-pronged approach. There was the effort to revitalize distressed regions like Appalachia, where joblessness and isolation were the dominant themes.

A second and larger thrust aimed to upgrade the supply of labor to fit demand. The Manpower Development and Training Act (MDTA) of 1962, the marked rise in appropriations for vocational education beginning in 1963, and the Economic Opportunity Act of 1964 exemplify this approach. Initially, older workers in declining industries were the favored beneficiaries, but the War on Poverty dramatized the neglect of disadvantaged youths, and gradually programs veered in that direction.

Employable older youths and adults were offered remedial education, vocational instruction and on-the-job training. Some programs, like MDTA, were carried out in communities where the participants normally lived. Others, like the Job Corps, reflected a total immersion philosophy. Youths were removed from neighborhood and family influences and transported to urban and rural residential centers where they engaged in year-long vocational preparation for a variety of occupations. There were community action projects in rural and urban slums, migrant labor camps, and Indian reservations, where new community services provided employment.⁹

Other programs, like College Work-Study and the Neighborhood Youth Corps (NYC), encouraged youths to remain in school. Both provided funds for

⁶ Sar A. Levitan, *Programs in Aid of the Poor for The 1970's* (Baltimore: Johns Hopkins Press, 1969); James L. Sundquist, *On Fighting Poverty* (New York: Basic Books, 1969).

⁷ Wilbur J. Cohen, William Haber, and Eva Mueller, *The Impact of Unemployment in the 1958 Recession*, 86th Cong., 1ss., U.S. Senate, Committee Print, Special Committee on Unemployment Problems, June, 1960 (Washington, D.C.: U.S. Government Printing Office, 1960).

⁸ Garth L. Magnum, *The Emergence of Manpower Policy* (New York: Holt, Rinehart and Winston, Inc., 1969).

⁹ Harold L. Sheppard, *Toward Economic Security for the Poor*, Report prepared by the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare, U.S. Senate, 90th Cong., 2d ss., October, 1968.

part-time employment, and the latter also financed thousands of summer jobs for inner-city youths and some year-round jobs for school dropouts.¹⁰

Then there was a welfare-related work and training program for employable adults receiving welfare, a group that was often by-passed as other programs "creamed" the more promising applicants. In 1967, this program was succeeded by the Work Incentive Program, a very similar effort incorporated into the Social Security Act and still flourishing, despite almost consistent reports of poor cost benefits.¹¹

The third thrust was to improve the employment agencies that played such vital roles in connecting job seekers with jobs. Traditionally, the hard-to-place poor, young and unskilled workers received short shrift in this quarter, as agencies and their personnel competed for the best placement records. The question was whether they could now perform better, or whether new solutions were necessary. Of those tried, the Concentrated Employment Program, with its individualized services delivered through 80 urban projects, probably best clarified the complexity of the task of opening up new jobs and achieving a promising fit between the individual and the job.

These new manpower training and job creation efforts, taken together, reached about 1.3 million people by 1969. NYC and MDTA were numerically the most important. But even in prosperous 1966, with a war in progress in Indochina, there were 2.5 million unemployed in the civilian labor force of 75 million; there were uncounted others, manpower specialists agreed, who no longer showed up in official reports.

Even though manpower policy resulted in minuscule programs, considering the need, and although programs suffered from fragmentation, overlap and gaps, the competition between old and new approaches helped to renew the old approaches and to highlight the need for national, integrated and comprehensive

manpower information and planning. Experience in the 1960's also demonstrated that on-the-job training was far more rewarding than vocational classroom instruction. But the chief trouble was unsolved. There was a crying need for more jobs. It made little sense from any point of view to pretend that improving the skills of the unemployed and under-employed would guarantee them jobs if no suitable jobs existed. The challenge was to stabilize the economy at much lower levels of unemployment, and to assure a growing supply of jobs. This could be done, preferably, by creating and providing long-term support for greatly needed, overdue public services jobs.

HEALTH CARE AND NUTRITION

Prior to World War II, federal health activities were essentially limited to grants to states for communicable disease control and environmental sanitation, plus special provisions for federal beneficiaries like veterans, dependents of members of the armed services, merchant seamen and American Indians.

In the years following the war, the health care capacity of the nation and the federal government's role in health care were revolutionized. New concepts of social and physical rehabilitation emerged from dramatic achievements of medicine in restoring wounded soldiers, disfigured Japanese victims of the atomic bomb, and severely disabled coal miners in Colorado and Appalachia. Wartime techniques of decision-making brought about great advances in data processing and analysis, eventually paving the way for the National Health Survey initiated in the mid-1950's.¹²

Insightful social scientists rediscovered an old idea—investment in human resources; in so doing they called attention to the enormous social and economic costs of poverty, malnutrition, ill-health and chronic disability. And a new breed of social economists began measuring the economic value of advances in life expectancy, improved control over infectious and acute diseases, and the general rise in levels of health.¹³

In 1946, Congress passed the Hill-Burton Act to provide federal aid for hospital construction and, with a series of laws, began building the great national research effort which became the National Institutes of Health. In the same year, the National Mental Health Act presaged the federal government's partnership in the creation of a national network of community mental health clinics and the training of necessary personnel.

In 1950, severe disability became one of the covered risks in the federal social security system; for persons who could not qualify, a new public assistance category was developed: Aid to the Permanently and Totally Disabled. Both provided regular cash payments to mitigate the catastrophic loss of family income occasioned by disabling injury and illness. In

¹⁰ "The Effectiveness of Manpower Training Programs: A Review of the Research on the Impact on the Poor," *Studies in Public Welfare*, Paper No. 3, A Staff Study prepared for the Subcommittee on Fiscal Policy, Joint Economic Committee, 92nd Cong., 2d ss., November 20, 1972.

¹¹ See, e.g., *Poverty amid Plenty*, Report of the President's Commission on Income Maintenance Programs (Washington, D.C.: U.S. Government Printing Office, 1969); *Work in America*, Report of a Special Task Force to the Secretary of Health, Education, and Welfare (Cambridge: MIT Press, 1973), pp. 167-171; Gilbert Y. Steiner, *op. cit.*, Chs. 1, 2, and 3; Sar Levitan, Martin Rein, and David Marwick, *Work and Welfare Go Together* (Baltimore: Johns Hopkins Press, 1972).

¹² Nora Piore, "Health as a Social Problem: Consequences of Illness," *Encyclopedia of Social Work*, *op. cit.*, Vol. 1, 490-503.

¹³ Herbert E. Klarman, "The Contribution of Health Services to Economic Growth and Well-Being," *Federal Programs for the Development of Human Resources*, Vol. 2, Pt. IV, Subcommittee on Economic Progress, Joint Economic Committee, U.S. Cong., 1968; Victor R. Fuchs, "The Contribution of Health Services to the American Economy," *Milbank Memorial Fund Quarterly*, Vol. 44, No. 4 (October, 1966).

the same year, the federal government began to reimburse states for modest medical expenses incurred by families receiving welfare.

But as in other social welfare areas, the remarkable gains were reserved for the 1960's. Throughout the postwar years, opposing groups in Congress had debated successive health care bills. In 1965, this struggle culminated in two dozen pieces of legislation that radically redefined the federal role in health matters. The programs popularly known as Medicare and Medicaid were chief among them.¹⁴

Medicare (Title XVIII of the Social Security Act) provided both hospital and medical insurance for persons 65 years and older. All enrollees were insured for limited hospital care and extended care, as in nursing homes, and for home health care when prescribed by physicians following a period of hospitalization. They could also elect medical insurance (if they paid half the premium cost) to cover charges by physicians and to cover various medical services and supplies. The law specified a list of deductibles, initial expenses chargeable to patients when they entered hospitals or used other program benefits.¹⁵

Medicaid (Title XIX of the Social Security Act) sought to extend the program to all medically needy persons, especially children, in the hope that by the mid-1970's no one would be denied adequate health care because of poverty. Thus, public assistance grants-in-aid became the channel for reimbursing states for specified hospital and medical costs incurred by low-income families.¹⁶

The nation's expenditures for health and illness nearly trebled in the 1960's. By 1969, they amounted to more than \$60 billion, almost 7 per cent of the gross national product. Public expenditures from the Social Security trust fund and from the general revenues of federal, state and local government accounted for 37 per cent of the total. Moreover, the roles of the federal government and states and localities

were reversed. Two-thirds of government outlays came from federal funds by 1969, whereas the lesser jurisdictions had carried over half of the burden in 1950 and 1960.

But by late 1968 the health care system of the nation was in serious trouble. Federal programs were complex reimbursement devices with precious few controls and little power to improve the quality or distribution of services. Medical care continued to be more of a "cottage industry" of individual practitioners—increasingly specialists—than a modern, effective and efficient health care system. The question was whether the nation could long afford to support the same level of care unless the delivery system was basically revamped.¹⁷

Emphasis on health care inevitably drew attention to hunger and malnutrition. For years, experts had worried about the failure of the United States to keep pace with other industrial nations in reducing infant mortality rates. In the early 1960's, studies were made of hunger in various poverty areas, especially in the southern states.¹⁸ One result was a searching scrutiny of food programs authorized in prior years by the federal government, such as the Donated Food or Surplus Commodity program initiated in the 1930's as part of the government's price support efforts, the 1946 National School Lunch program, and the Special Milk program of 1954.

Only a casual glance was necessary to realize that these programs reached few people, considering their potential; they were very low on the list of priorities of the United States Department of Agriculture, which was the federal administrative agency; and they were replete with regulations and bureaucratic behavior that the poor beneficiaries regarded as onerous, restrictive, whimsical, inequitable and demeaning.¹⁹

However, some gains were made even in this touchy area. In 1964, the Food Stamp Act was passed. Under this program, poor families paid a fixed amount each month, as determined by net income, for stamps redeemable at food stores for something more than they cost. The difference, or bonus, was financed by the federal government. The stamps could only be used for food, not for laundry, paper, sanitary, or other products that all families need. Furthermore, among the very poor, food is often the most flexible item in the family budget, and many found it impossible to spend upward of 30 per cent of their income for this one purpose.

The various federal food programs served 5.3 mil-

(Continued on page 39)

¹⁴ Peter A. Corning, *The Evolution of Medicare—From Idea to Law*, Research Report No. 29, Social Security Administration (Washington, D.C.: U.S. Government Printing Office, 1969).

¹⁵ For details, a good source is Herman M. and Anne R. Somers, *Medicare and the Hospitals* (Washington, D.C.: The Brookings Institution, 1970).

¹⁶ For evaluations of both programs, see *Medicare and Medicaid: Problems, Issues and Alternatives*. Report of the Staff to the Committee on Finance, U.S. Senate (Washington, D.C.: U.S. Government Printing Office, 1970).

¹⁷ Eveline M. Burns, "Health Care System," *Encyclopedia of Social Work*, *op. cit.*, pp. 510-523.

¹⁸ The best account of such studies will be found in *Hunger U.S.A., A Report by the Citizens' Board of Inquiry into Hunger and Malnutrition in the United States* (published in cooperation with the National Council on Hunger and Malnutrition and the Southern Regional Council, 1968).

¹⁹ *Half A Loaf: Food Assistance in Fiscal Year 1972*, prepared by the staff of the Select Committee on Nutrition and Human Needs, U.S. Senate, 92d Cong., 2d ss., June, 1972.

Winifred Bell is Co-Director of the Center for Studies in Income Maintenance Policy and professor at the Graduate School of Social Work, New York University. She has written several books and many articles about social welfare programs and problems.

"The recent history of state and local public assistance programs suggests that they are an inadequate means of attaining the socially desirable objectives of raising the income of the poor." Nonetheless, "unless the federal funding formula is altered, the federal share of public assistance costs will continually decline as benefits rise."

State and Local Public Assistance Programs Since 1945

BY KURT RETHWISCH

Assistant Professor of Economics, Duquesne University

THERE WERE 1,152 SEPARATE state and local welfare programs in the United States in 1972.¹ The definition of "welfare" is a problem. "Welfare" here shall be confined to those programs which distribute cash to people classified by state and local governments as the eligible poor.²

Most state and local welfare programs have been categorical since the passage of the Social Security Act. Categorical grants are based on the theory that the "causes" of low income can be enumerated. Specific measures can then be applied to each "cause."

¹ Elliot Richardson, "Planning Welfare Reform," *Public Welfare*, Winter, 1972, p. 5.

² A brief analysis of vendor payment for medicare care for the poor, Medicaid, will be included because it is administered by the states. This program for the medically indigent differs from other programs in that it provides a service rather than direct cash payments to the poor.

³ Unemployment compensation programs are financed through a federal tax on employers. The states can reduce the federal tax rate if reserve funds are sufficiently high. These programs are also administered by the states subject to certain federal rules (e.g., a mandatory minimum of 26 weeks' coverage per beneficiary). The average weekly benefit in the United States in 1971 was \$53. However, like most state-administered programs, there was a wide range among states. Colorado paid \$62; West Virginia paid \$23. C. Schultz, et al., *Setting National Priorities: The 1973 Budget* (Washington, D.C.: The Brookings Institution, 1972), p. 184. However, since these programs are financed through a payroll tax (and this reduces wages paid to workers), it can be argued that workers and employers are contributing to an insurance fund. Unemployment compensation will not be included as a welfare program here.

⁴ The discussion in this and the following section is based on: United States Department of Health, Education and Welfare, *Characteristics of State Public Assistance Plans Under the Social Security Act*, 1971 Edition (Washington, D.C.: U.S. Government Printing Office, 1973.)

⁵ These recipients are compelled to enter a training-employment program. Certain child care costs, carfare expenses, and so on are also excluded from assistance level calculations. Full or part-time student income is excluded. Hence, AFDC students pay a zero tax on earned income, whereas other AFDC recipients pay a 66.66 per cent marginal tax rate.

Federal funding procedures have encouraged all states to implement the following programs: Old Age Assistance (OAA), Aid to the Blind (AB), Aid to the Permanently and Totally Disabled (APTD), and Aid to Families with Dependent Children (AFDC). The Social Security Act of 1935 provided the enabling legislation for OAA, AB, and AFDC. APTD became operative in 1950, and Medicaid was initiated in 1966. Federal, state and local governments jointly finance these programs. However, state and local government, subject to some federal constraints, administer them.³ General Assistance (GA) programs provide funds to those individuals and families ineligible for federally assisted programs. GA programs are financed and controlled exclusively by state and local governments.

States must satisfy certain conditions to receive federal funds.⁴ Programs must be operative throughout the state under the aegis of a single state administrative agency. Opportunities for anyone to apply must exist and fair (a devilishly difficult word to define operationally) hearings must be available to anyone who is refused public assistance. An individual is legally allowed assistance under only one plan.

Amendments to the Social Security Act in the late 1960's stipulated that all states are to exclude specified amounts of earned income in determining "need." (States determine "need" per recipient and pay all or part of the difference between "need" and the person's or family's current income.) The work incentive program (WIN) mandates that the sum of the first \$30 earned per month plus one-third of the additional monthly earnings of any AFDC recipient must be excluded in determining the level of assistance payments.⁵ The first \$85 in earned income per month of the blind is exempted from public assistance payment

reductions. If the blind recipient earns more than \$85 monthly, public assistance payments decline at a 50 per cent rate.⁶ The negligible figure of \$7.50 per month is excluded from calculations for OAA and OPTD payments. In addition, under the OAA and OPTD programs, states can deduct up to \$20 of the first \$80 earned per month plus one-half of the next \$60 earned. These deductions are an attempt to reduce "welfare taxes" on earned income (i.e., to allow the recipient's total income and earned income to be more directly related) and thus generate more work incentives.

The Supreme Court, in its *Shapiro vs. Thompson* decision (1969), struck down durational residency requirements. Previously, many states had required that public assistance recipients reside in the state for a specified period (usually one year) before they could receive payments.⁷ At present, no state can refuse applicants on the basis of an insufficient residency period.

GENERAL DIFFERENCES IN STATE PROGRAMS

Each state may determine its own eligibility standards, benefit levels, division of costs between state and local sources, and recovery provisions with no federal constraints. One aspect of eligibility stan-

dards in which states vary widely is the limitation on income and property. Most states do not place limitations on the value of a public assistance recipient's home. Others severely limit the value of a home which a recipient may own. For example, in Alabama, home values may not exceed \$2,500. In Wyoming, the figure is \$3,000. Other states (e.g., Idaho and Wisconsin) stipulate that homes be of a "modest" or "reasonable" value. In determining eligibility, almost all states limit individual or family holdings of all personal and real property (excluding homes) to between \$1,000 and \$2,000. Some states specifically limit the value of a recipient's car.⁸ Other states (e.g., Connecticut) dictate that recipients assign any life insurance values over a predetermined maximum (e.g., \$1,000) to the state, to be held in trust.

Property limitations can be used to reduce the number of welfare recipients and state welfare costs. Numbers of eligible recipients will decline as property limits are reduced. States wanting to reduce welfare costs have obvious incentives to decrease the value of property that a public assistance recipient may own.

Legally responsible relatives may be forced to pay a proportion of the grantee's benefits.⁹ States have tended, in practice, to narrow the concept of "legally responsible relative" because the ratio of administrative costs to cash gained rises as the concept is broadened. In many cases, expected costs of tracking down and legally trying more distant relatives exceed expected assistance payment reductions.

Benefit levels for the various public assistance programs are determined by the states. However, the federal government partially subsidizes the various categorical aid programs.¹⁰ States are encouraged to undertake these rather than General Assistance programs. States also have more of an incentive to raise benefits when the federal government is sharing costs. Benefit levels vary widely among the states.¹¹

Old Age Assistance: The important trends in OAA since 1945 appear to be: (1) the federal funding formula generates more federal dollars per recipient in higher benefits states but a larger federal share of costs in lower benefits states; (2) its share among public assistance programs dramatically declined from 66.2 per cent in 1945 to 9.3 per cent in 1971; (3) the average OAA recipient's real income has been reduced since 1967; (4) as a proportion of total population, the largest numbers of OAA recipients are found in the South; and (5) monthly payments have been and continue to be substantially different among the states.¹²

CHANGING FORMULA

The federal government's formula for federal contributions to state OAA programs has undergone substantial change since 1945. That year, the federal government paid two-thirds of the first \$15 monthly

⁶ If the blind person is attempting to become self-supporting, all income earned and resources accumulated during a one-year trial period are exempt from welfare payment calculations. This provides a powerful incentive for the blind to attempt, through work, training and/or educational programs, economic self-sufficiency.

⁷ In 1962, New York had no residency requirement. Michigan and California, which also paid relatively high benefits per recipient, required applicants to have lived in the state for five of the preceding nine years, in addition to the preceding year.

⁸ A District of Columbia recipient is forbidden to have a car valued at \$1,500 or more. In Texas, the car must be at least one year old. Two vehicles, regardless of value, disqualify an applicant in West Virginia.

⁹ Federal law prohibits the extension of "legally responsible relative" beyond aunt, uncle, nephew, niece, first cousin, stepparent, and stepbrother or sister.

¹⁰ The current federal formulas for funding each program will be found in the next section under the program heading.

¹¹ The legislated maximum monthly payment to an AB recipient in Alabama in 1971 was \$75 unless he was in a personal-care home, in which case the maximum was \$148. In California, the minimum monthly payment to an AB recipient was \$159. Indiana's AB maximum was \$125; Iowa's minimum was \$140, including earned income. Surely there is little difference in the cost of living between comparable areas in these two states. OAA minimums were almost always less than AB minimums. Mandated maximums for AFDC families in certain states were: Alabama, \$170; California, \$471; Georgia, \$184; Mississippi, \$108; Utah, \$434; West Virginia, \$182.

¹² All data in this section, unless otherwise specified, were obtained from the following sources: United States Department of Commerce, Bureau of the Census, *Statistical Abstract of the United States* (Washington, D.C.: U.S. Government Printing Office), 67th edition (1946), pp. 233; 263; 76th edition (1955), pp. 270-273; 93rd edition (1972), pp. 275-277, 299-302. Tax Foundation Inc., *Facts and Figures on Government Finance*, 1971 (New York; Tax Foundation, Inc., 1971), pp. 167, 226, 230.

assistance per recipient and 50 per cent of additional benefits up to a mandated maximum of \$45. This formula reduced the federal government's share of program costs as the state increased its monthly benefits.

From 1946 to 1958, both the legal maximum and the federal government's share were increased. In 1958, two significant changes occurred. First, the federal government ceased placing limits on the maximum monthly benefits paid by a state. Second, the aid formula was revised so that poorer states received a greater contribution on incremental payment increases. For example, since 1965, the federal government has paid 31/37 of the first \$37 and 50-65 per cent of the next \$35 of monthly OAA payments.

Total OAA payments increased from \$891.8 million in 1946 to \$1.888 billion in 1971. The number of OAA recipients peaked at 2.786 million in 1950 and then continually declined to slightly over 2 million in 1971. Extensions in social security (OASHDI) coverage have reduced the number of OAA recipients. The national average monthly OAA payment, measured in current dollars, increased from \$43 in 1950 to \$77 in 1971. However, the average payment, measured in 1971 dollars, increased from \$71 in 1950 to \$85 in 1967 and then fell to \$77 in 1971. Unlike social security recipients whose benefits have tended to increase more rapidly than the cost of living, OAA recipients have been hurt by the recent inflation.

California and Texas consistently pay OAA to more recipients than any other states. Relatively large numbers of OAA recipients are found in the south. Large numbers of low wage agricultural workers (often migratory) live in these states. Since they normally receive minimum or very low social security benefits, southern states have relatively large numbers of aged eligible for OAA.

Monthly payments by states have been and continue to be widely dispersed. The average OAA payment in December, 1954, was \$51.90 across the nation. The national average payment had increased to \$75 by 1971.

Aid to the Blind: AB has been the smallest public assistance program. In 1950, there were 97,000 recipients receiving an average monthly payment of \$46. Total program payments were \$53 million. In 1971, there were 80,000 recipients, receiving an average monthly payment of \$106.¹³ Total program costs were \$101 million. When measured in real terms (1971 dollars), average monthly payments increased from \$75 in 1950 to \$108 in 1967. They declined to \$106 in 1968 and have since remained reasonably constant.

Benefit levels vary among states but by less than OAA variations. Almost all states' benefit levels were

between \$800 and \$1,200 per year except a very few high benefit states. The assistance payments of northern and higher per capita income states tended to be higher than southern and lower per capita income states. California, with 10 per cent of the national population, had 17 per cent of the nation's AB recipients.

The federal formula for AB (and APTD and OAA) programs provided two-thirds of the first \$15 per recipient per month plus 50 per cent of additional benefits up to \$45 in 1950. At present, the AB and APTD formulas generate a federal subsidy of 31/37 of the first \$37 monthly plus 50-65 per cent of additional monthly payments up to \$75. The federal share diminishes as a state increases its benefit levels.

Aid to the Permanently and Totally Disabled: This program was enacted in 1950. Eight thousand people received benefits that year. By 1955, there were 241,000 recipients. Since then, the number of recipients has roughly doubled every eight years. In 1971, 1,068,000 people received benefits from APTD. Program costs increased from \$156 million in 1955 to \$1.189 billion in 1971.

Monthly payments averaged \$46 nationwide in 1950 and \$102 in 1971. In real terms (1971 dollars), APTD monthly payments steadily increased from \$72 in 1950 to \$102 in 1971.

Benefits varied substantially among the states in 1971. California, with 26 per cent of the nation's APTD recipients, paid \$135 per month. New York paid \$110.

APTD benefits and AB benefits appear to be closely correlated among the states. If APTD trends and OAA trends continue: (1) APTD program costs will exceed OAA costs in another four or five years, and (2) the number of APTD recipients will exceed OAA beneficiaries in another ten years.

Aid to Families with Dependent Children: Aid to families with dependent children has undergone the most dramatic growth in numbers of recipients and program costs. Program costs were \$556 million in 1950; 641,000 families containing 2,230,000 eligible recipients (including 1,661,000 children) received benefits. Program costs had increased to \$6.2 billion in 1971; 2,981,000 families containing 10,651,000 eligible recipients (including 7,707,000 children) received aid. Average monthly payments were \$71 per family and \$21 per recipient in 1950. By 1971, the national averages were \$187 per family and \$52 per recipient. Real monthly payments per family (recipient), measured in 1971 dollars, have increased from \$117 (\$35) in 1950 to \$187 (\$52) in 1971.

The 1946 federal formula for subsidizing state programs placed monthly ceilings of \$24 for the first child and \$15 for each additional child. The federal government would pay two-thirds of the first \$9 per recipient and 50 per cent of the balance. A ceiling

¹³ The number of recipients peaked at 107,000 in 1960.

of \$27 per adult was specified in 1950. All federal ceilings were lifted in 1958. During the same year, low per capita income states were entitled to receive a larger federal contribution on incremental spending. For example, using the current formula, the federal government would pay five-sixths of a recipient's first \$18 monthly aid. A low per capita income state would receive 65 per cent of the recipient's next \$14 monthly aid from the federal government, whereas a high per capita income state would receive a 50 per cent subsidy. All aid in excess of \$32 a month per average recipient would be financed by the state or local government.

Average monthly AFDC benefits have been more dispersed than any other federally subsidized assistance program. In 1951, almost all states outside the Confederate South paid AFDC families more than \$90 per month, whereas monthly benefits in the Confederate states were less than \$60, except in Georgia (\$75) and Virginia (\$66).

The vast disparity in monthly assistance payments continued in 1971. Southern states continued low benefit levels. Northern states paid relatively high AFDC benefits. A strong regional disparity exists and it is far greater than differences in regional costs of living.¹⁴

General Assistance: GA differs from the other state and locally administered programs in two ways: (1) it receives no federal funding, and (2) it is not categorical; rather, it is a catchall for "needy" (defined by each state) persons not eligible for other programs. The number of recipients appears to be inversely related to the unemployment level. Recipients decreased from 413,000 in 1950 to 310,000 in 1965. In 1971, 556,000 people were receiving GA payments.

The national average monthly GA payment increased from \$47 in 1950 to \$112 in 1971. When

measured in 1971 dollars, payments increased from \$77 in 1950 to \$112 in 1971. Program costs, which increase most during recession years, increased from \$353 million in 1950 to \$382 million in 1966. Costs thereafter rose sharply and totaled \$876 million in 1971.

Twelve states accounted for 82.8 per cent of all GA recipients and for 88.8 per cent of all GA payments in 1971.¹⁵ States with relatively small numbers of GA recipients (e.g., California and Wisconsin) may have fewer "needy" persons because they pay higher unemployment compensation benefits, or they may relax eligibility requirements for the categorical programs. Other states may not have GA programs, or they may utilize very strict eligibility criteria for these programs.

Medical Assistance: Medicaid is the only federally supported program administered by the states which provides a service rather than cash grants. It is a recent program which originated in 1966.¹⁶ Program costs have increased from \$2.5 billion in 1967 to \$6.8 billion in 1971.¹⁷ Almost all payments are for the medical care of public assistance recipients.

Two states, New York and California, accounted for 43 per cent of all medical assistance payments in 1971. The only other states spending more than \$200 million annually were Illinois, Massachusetts, Michigan and Pennsylvania.¹⁸

Eligibility determining income ceilings for a family of four range from \$2,450 in Oklahoma to \$6,000 in New York. Estimated annual medical payments per AFDC family in 1971 ranged from \$50 in Mississippi to \$1,150 in California.

TAX EFFORT DIFFERENTIALS

Various explanations have been offered for interstate variations in assistance payments. Capricious legislators are envisioned as attempting to mandate the Puritan ethic. Or they are viewed as trying to save their constituents money through tightening eligibility criteria, lowering benefit levels and, hence, exporting recipients. "Liberal" politicians often are seen as trying to help the "needy" or "purchase" the votes of the poor through income redistribution programs.

State and local per capita assistance expenditures, with few exceptions, did not vary nearly so much in absolute amounts as assistance payments in 1968-1969.¹⁹ The national average annual per capita welfare expenditure financed from state and local revenue was \$28.²⁰ Massachusetts undertook an abnormally high per capita welfare expenditure effort of \$99. The next highest states were California (\$59), New York (\$58), and Rhode Island (\$44). Lowest per capita tax effort states were South Carolina (\$7), Florida (\$8), North Carolina (\$8), and Texas (\$8).

¹⁴ Casual empirical observation suggests that the ratio of AFDC recipients to state population was reasonably close to 5 per cent across the nation in 1971. California was over-represented; approximately 7.5 per cent of her residents were AFDC recipients. AFDC beneficiaries were only 4 per cent of the Texas population.

¹⁵ They were (with thousands of recipients in parentheses): California (54); Connecticut (10); Illinois (45); Maryland (13); Massachusetts (25); Michigan (46); Missouri (13); New Jersey (12); New York (110); Ohio (39); Pennsylvania (91); and Wisconsin (10).

¹⁶ The federal formula for computing its share of a state program is: 100 per cent - .45 (state per capita income²/national per capita income²). The federal government, using this formula plus other adjustments will pay between 50 per cent and 83 per cent of a state's medical assistance payments. The state must pay at least 40 per cent of the state and local share.

¹⁷ These costs exclude the costs of intermediate care facilities and emergency assistance which totaled \$670 million in 1971.

¹⁸ Each of these states spent approximately \$300 million.

¹⁹ Percentage variations, however, were similar.

²⁰ Calculated by multiplying the national per capita welfare expenditure (\$60) by the percentage of assistance financed from state and local funds (36.3 per cent).

The per capita tax effort in all southern states was less than \$15.²¹ Although most states in the rest of the nation were in the \$20-\$30 range, the northern industrial states of Illinois and Indiana stood out with low tax efforts of \$14 and \$12 respectively.²²

THE SOUTHERN PATTERN

The Confederate South, as a rough average, spent 50 per cent as much per capita on welfare aid, at the state and local level, as the rest of the nation.²³ Per capita incomes are lower in the south. The South has a greater concentration of poor than the rest of the nation (e.g., in 1966, 20 per cent of all southern families as compared to 9 per cent of all non-southern families were classified as poor). Hence, the tax base of the South tends to be lower.

State and local taxes as a percentage of each state's income provide an indication of each state's total tax effort. When this is compared to the national average, each state's relative tax effort can be determined. For example, in 1969 California's state and local taxes were 13.7 per cent of state personal income. The national average was 11.2 per cent. Thus, California's relative tax effort was 13.7/11.2, or 122, which was among the highest in the nation.

The relative tax effort of all southern states except one ranged between 83 (Texas) and 96 (Florida).²⁴ Thus, these states tax themselves at a lower rate than the national average.

The South apparently tends to tax itself at a lower rate than the rest of the nation. The poor are geographically concentrated there. However, welfare recipients other than OAA beneficiaries are not concentrated in the South. Thus, the South refuses benefits available to people eligible for assistance elsewhere. The South tends to pay relatively low welfare benefits, particularly with respect to the AFDC program. General assistance program coverage is negligible. These broad data contours suggest that the southern governments may attempt to limit state-local tax rates through low benefit levels and strict eligibility requirements.

Federal, state, and local spending on public assistance programs has increased since 1945. The local share of spending has remained in the 10-12 per cent range. The federal share increased from 40 per cent in 1945 to 58 per cent in 1966, whereas the state share increased to 36 per cent. If federal contribu-

tion formulas remain unchanged, the state share will continue to rise, because many states are paying benefits in the range where the federal subsidy is zero.

Regional variations in real benefit levels (i.e., adjusted for regional cost of living differences) may induce public assistance recipients to relocate. If large numbers move to a high real benefits state or city, the state and/or local tax bill for welfare expenditures will increase.²⁵ If tax rates have to be raised, higher income and/or wealthier taxpayers may relocate to avoid the new burden. Hence, over long periods of time, certain geographic areas may increase their concentration of poor while losing their taxpaying base. States and/or cities thus have economic incentives to reduce assistance payments and/or tighten eligibility requirements in order to reduce welfare rolls. Work incentives are one device to achieve these objectives. However, the federal government has initiated almost all pecuniary work incentive schemes.

Grants have become devices by which many state and local officials manipulate recipient behavior, particularly with the expansion of subsidiary, highly personalized services. Discretionary decision-making by state and local officials often allows them to undertake punitive action.

Another adverse consequence of public assistance programs is that they are often working at cross purposes with other social programs. Resources are thus utilized with little or no increase or improvement in social output.

CONCLUSIONS

The recent history of state and local public assistance programs suggests that they are an inadequate means of attaining the socially desirable objectives of raising the incomes of the poor. Benefit levels and eligibility requirements have varied widely among the states. Not only does this create severe inequities; it has generated adverse relocation consequences.

Minor pecuniary incentives have been forced into state and local programs through federal legislation. The working poor are often ineligible for cash or medical assistance.

Aid to families with dependent children and medical assistance programs are growing most rapidly if they are measured by coverage and costs. Recipients of old age assistance have declined in number. General assistance, which receives no federal funding, varies inversely with unemployment, and the number of GA recipients has remained fairly constant over the post-World War II period. Unless the federal funding formula is altered, the federal share of public assistance costs will continually decline as benefits rise.

Kurt Rethwisch has served as a consultant to private industry and government, and has published articles in scholarly journals.

²¹ Louisiana was the exception, with a \$19 effort.

²² Another exceptionally low-tax-effort state was Nebraska (\$9).

²³ This statement ignores those states in the North which had abnormally high or low per capita efforts.

²⁴ Louisiana's effort was 102.

²⁵ If high real benefit regions are also higher cost of living regions, recipients relocate from low cost to high cost regions. Hence, for recipients to receive a given level of real income, more tax dollars have to be spent.

Reviewing the role of private charity in America in the eighteenth and nineteenth centuries, this author notes that "by the late nineteenth century social welfare had become more of a private or voluntary matter than a public one. . . . Private agencies, guided by a series of preconceived moral judgments concerning the nature of poverty and the dependent, dominated the scene."

Private Charity in America: 1700-1900

BY WALTER I. TRATTNER

Professor of History, University of Wisconsin, Milwaukee

DESPITE FAVORABLE CONDITIONS for acquiring land or for earning a living in a variety of other ways, the New World did not escape many of the social ills that plagued the Old, including poverty. From the outset, each American colony had to deal with the problem of caring for the poor—the aged, the blind, the sick, the lame, the mentally ill, the lazy—the destitute of every kind. Yet in the seventeenth and eighteenth centuries Americans felt relatively calm about poverty and dependency; their presence did not indicate flaws in society or in the needy.

Instead, poverty was considered in the order of things, a natural and inevitable aspect of the human condition. It was pointless, therefore, to blame or censure the poor, or to punish or isolate them, especially since resources were abundant and labor was scarce. As a result, the colonists naturally assumed public responsibility for those unable to care for themselves, making the taxpayers of each locality (as in

England under the provisions of the Poor Law of 1601) responsible for their support. And recent evidence indicates that needy persons were not, as earlier believed, inhumanely or even harshly treated; on the contrary, assistance was provided as a matter of course and at times rather generously, usually at one's home or with relatives.¹

Relief to the needy during the colonial period, however, was not confined to public assistance. Early in American history, private citizens assisted and supplemented the work of public bodies, as a notation in John Winthrop's *Journal*, dated August 16, 1635, bears out:

In the . . . tempest a bark . . . was cast away. . . . None were saved but one Mr. Thatcher and his wife. The General Court gave Mr. Thatcher £26.13.4 towards his losses and divers good people gave him besides.²

Still, in the seventeenth century, private charity was limited; donors with substantial resources to distribute in philanthropic ventures were few and far between. By the eighteenth century, however, private fortunes began to increase, and wealth became more widely distributed and fluid enough to permit large-scale giving. Then private charity intensified.³

In the North, people like Benjamin Franklin, Thomas Bond, founder of the Pennsylvania Hospital, Benjamin Rush, physician and reformer, and others became noted for "doing good." In the Anglican South, private efforts, especially large-scale giving, were even more sustained. The Calvinist principle of hard work was less in evidence in the South than in the North, and many large landholders, imbued with a spirit of *noblesse oblige* and trying to maintain a social system not unlike that of feudalism, regarded aid to the needy as more of a personal than a civic charge. Thus citizens like George Washington and others gave liberally to the poor. In addition, churches, North and South alike, often took up collec-

¹ See, for example, David Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (Boston: Little Brown and Co., 1971), pp. 3-56; Stefan Riesenfeld, "The Formative Era of American Assistance Law," *California Law Review*, Vol. 43 (May, 1955), 175-223; Gerald N. Grob, *Mental Institutions in America: Social Policy to 1875* (New York: The Free Press, 1973), pp. 4-12. The English Poor Law of 1601, which served as a model for the colonial statutes, was based upon the premise that the needy had a right to public assistance. It made all local communities (parishes) responsible for supporting their dependents with funds raised through compulsory taxes. Perhaps it is worth noting, however, that the statute did not exclude or minimize voluntary charity; indeed, it included a codification of the law of charitable trusts that was designed to encourage private philanthropy.

² Quoted from [Governor John] Winthrop's *Journal* "History of New England," 1630-1649, James Kendall Hosmer, ed. (New York: Scribner's, 1908), I, 156, reprinted in Ralph E. Pumphrey and Muriel W. Pumphrey, eds., *The Heritage of American Social Work* (New York: Columbia University Press, 1964), p. 20.

³ See Robert H. Bremner, *American Philanthropy* (Chicago: University of Chicago Press, 1960), pp. 5-41.

tions, not only for their own needy members but for others as well.

Many other private bodies—nationality groups, fraternal societies, social organizations and so on—also aided the unfortunate. Perhaps the most important of these was the Scots Charitable Society, the nation's first "friendly society," founded in 1657 by 27 Scotsmen living in Boston for the "relief of ourselves and any other for which we may see cause." Yet it was not until the eighteenth century, when its membership and funds increased, that this organization really flourished; it aided the poor, provided for the sick, buried the dead, and in a variety of other ways helped reduce the number of public dependents at a time when official agencies were heavily burdened. More important, the society became a model for many similar bodies that sprang up throughout America in the eighteenth century, especially in its later years when the Enlightenment and the American Revolution engendered a charitable outlook.⁴

INFLUENCE OF THE ENLIGHTENMENT

Briefly, the Enlightenment preached a doctrine of boundless progress; man was not depraved but was a reasonable being capable of improving his environment. The new doctrine helped to erode the rather grim determinism of Calvinism, which harbored the notion that misery and want were inevitable. Thus the Enlightenment challenged citizens to alleviate the lot of the downtrodden and the poor. Similarly, the American Revolution, with its emphasis on human equality, tended to direct attention to the need to improve the lot of the common man. Moreover, if the independent republic and its democratic rule were to

endure, all citizens had to be relieved of such impediments as illiteracy, poverty and distress, so that they could cast their ballots freely and rationally. It was no accident, therefore, that private groups for every imaginable purpose cropped up at this time—groups to assist widows and orphans, immigrants and Negroes, debtors and prisoners, aged females and young prostitutes; to supply the poor with food, fuel, medicine and employment; to promote morality, temperance, thrift and industrious habits; to educate poor children in free schools; to reform gamblers, drunkards and juvenile delinquents.⁵

Clearly, then, by the late eighteenth century, social welfare was a partnership. On the one hand, the public was responsible for providing aid to the needy who, in turn, had a statutory right to such assistance. On the other hand, private charity reinforced or complemented public aid; both were part of the American response to poverty.

Before long, however, the situation changed, for some of the very influences which led to social reform and generosity toward those in need also stimulated distrust and antagonism toward the poor. By helping to reject the notion that misery and want were endemic to society, the Enlightenment, for example, made it appear that the indigent were personally responsible for their condition. The same was true of the American Revolution; by fostering the belief that poverty need not exist, especially in so rich a nation where everyone had an equal chance for success, it harbored a harsh and suspicious view of the poor.⁶

Perhaps even more important were the forces of change—oncoming industrialization, widespread urbanization, large-scale immigration (especially of many poverty-stricken Catholics), and the rise of a laissez-faire philosophy. These changes tended to alter the relatively stable and well-ordered society of colonial years, increase poverty and thus taxes, and make dependency a vice and its relief an unscientific and irrational interference with the "natural harmony" of the social and economic order.

Thus it was that by the early nineteenth century poverty came to be viewed as an individual matter, presumably the result of moral weakness. As the New York Society for the Prevention of Pauperism put it: "No man who is temperate, frugal, and willing to work need suffer or become a pauper. . . ."

Relief, especially public home relief, only added coals to the fire. "Of all the methods for supporting the needy," stated Boston's Mayor Josiah Quincy, "the most wasteful, the most expensive and the most injurious to their morals, and destructive of their industrious habits is that of supply in their own families." By removing the fear of want and encouraging the poor to rely upon the public dole, public assistance destroyed the incentive to work and caused the poor to remain idle and improvident.⁷

⁴ Actually, the humanitarian spirit had been fostered even earlier by the Great Awakening, a series of religious revivals from the late 1720's to the early 1740's which rejected the Calvinistic doctrine of predestination and postulated in its place the idea of the free individual—the notion that anyone could achieve salvation through faith, repentance and conversion. See Bremner, *American Philanthropy*, pp. 21–23. Also see Neil J. O'Connell, "George Whitefield and the Bethesda Orphan House," *Georgia Historical Quarterly*, Vol. 54 (Spring, 1970), 41–62.

⁵ Merle Curti, *The Growth of American Thought* (New York: Harper and Row, 1964), pp. 114–120, 163–69; Bremner, *American Philanthropy*, pp. 23–40; Raymond A. Mohl, "Poverty in Early America, a Reappraisal: The Case of Eighteenth-Century New York City," *New York History*, Vol. 50 (January, 1969), 5–27; M. J. Heale, "Humanitarianism in the Early Republic: The Moral Reformers of New York, 1776–1825," *Journal of American Studies*, Vol. 2 (October, 1968), 161–75.

⁶ These ideas were taken from Rothman, *Discovery of the Asylum*, pp. 155–56 and David J. Rothman and Sheila M. Rothman, *On Their Own: The Poor in Modern America* (Reading, Mass.: Addison-Wesley Publishing Co., 1972), p. viii.

⁷ See Benjamin J. Klebaner, "Public Poor Relief in America, 1790–1860" (Unpublished Doctoral Dissertation, Columbia University, 1952); Benjamin J. Klebaner, "Poverty and Its Relief in American Thought, 1815–61," *Social Service Review*, Vol. 38 (December, 1963), 382–99; Raymond A. Mohl, "The Humane Society and Urban Reform in Early New York, 1787–1831," *New York Historical Society Quarterly*, Vol. 54 (January, 1970), 30–52; Rothman, *Discovery of the Asylum*, pp. 155–79.

The abolition of public assistance thus had many proponents. Its elimination, they contended, would end pauperism. Those who remained in need would be helped by private charity. The poor could not interpret private charity as a right, for they had no statutory claim to it. Moreover, it was precarious and uncertain.

Too, private donors would not be susceptible to political pressures for the liberalization of benefits, and they would be better equipped to exert those moral and religious influences that would prevent relief from becoming a mere pauperizing dole. Finally, private charity would bind the poor to the well-to-do; thus it would be an effective means of social control.

The system of public aid, however, was too deeply engrained in the social order to be abolished altogether. As New York's Secretary of State, J. V. N. Yates, no friend of the system, remarked (1824): "The total want of a [public] pauper system would be inconsistent with a humane, liberal, and enlightened policy." It was up to the private citizen, therefore, to see to it that it was administered as sparingly, as economically, and as efficiently as possible. To this end, emphasis was placed on the use of institutions—almshouses and workhouses.

In practice, a division of labor occurred. Public assistance, for the most part, was limited to institutional care, mainly for the "worthy" poor—those who were disabled or who for other reasons could not support themselves—and other indigents who, the public felt, should be locked behind walls where their behavior could be controlled and where, perhaps, removed from society and its tempting vices, they might acquire habits of industry and labor and thus prepare themselves for better lives.⁸

PRIVATE BENEVOLENT SOCIETIES

Home relief, on the other hand, was administered by private benevolent societies. These were agencies of a new kind, however, which gave primarily verbal rather than material aid. If, after all, poverty resulted from moral weaknesses—idleness, intemperance, immorality and irreligion—it could be treated only by calling opposing virtues into play, by inculcating industry, sobriety, morality and piety into the poor. As a result, many middle-class Americans engaged in a crusade for moral enlightenment. In urban areas throughout the nation, private agencies emphasizing godliness and the salvation of character as a prerequisite to improvement in the condition of the poor came into being.⁹

One of the typical and important of these new societies was the New York Association for Improving the Condition of the Poor. Created in 1843 during a severe economic depression, it sought to eliminate pauperism through the use of "paternal guardians" who would lead the dependent to self-support through instruction in the basic virtues of hard work, thrift, religious observance and temperance. Actually, the AICP's objective was less to help needy persons than to remold or uplift them: "The elevation of the moral and physical condition of the indigent; and so far as compatible with these objects, the relief of their necessities," as its constitution stated.¹⁰

Unless the needy were made "respectable"—good middle-class citizens—the AICP warned, they would "over-run the city as thieves and beggars and endanger the security of property and life—tax the community for their support and entail upon it an inheritance of vice and pauperism." In the final analysis, then, the organization was less a charitable agency than an instrument designed to keep society orderly, stable and acquiescent. In an attempt to cope with disturbing new intellectual, economic and social forces and conditions, especially the loss of a sense of community in urban America, moralism superseded benevolence. For many Americans, both private charity and public assistance thus became mechanisms for social control.¹¹

The Civil War, however, caused a temporary halt in this development. Like all wars, it created enormous relief problems which could not be blamed on the individuals or families involved. Public officials and private citizens responded accordingly. Indeed, the war aroused the charitable energies and impulses of the American people as never before; warnings of the dangers of unwise giving were forgotten as public and private agencies showered assistance on the needy throughout the conflict.

Wartime generosity, moreover, which among other factors brought increased public debt and higher taxes, cooled considerably in the postwar years. In-

⁸ Raymond A. Mohl, *Poverty in New York, 1783-1825* (New York: Oxford University Press, 1971), pp. 81-100; Rothman, *Discovery of the Asylum*, pp. 180-205.

⁹ Clifford S. Griffin, *Their Brothers' Keepers: Moral Stewardship in the United States, 1800-1865* (New Brunswick, N. J.: Rutgers University Press, 1960); Clifford S. Griffin, "Religious Benevolence and Social Control, 1815-1860," *Mississippi Valley Historical Review*, Vol. 44 (December, 1957), 423-44; Mohl, *Poverty in New York*, pp. 101-170; M. J. Heale, "The New York Society for the Prevention of Pauperism, 1817-1823," *New York Historical Society Quarterly*, Vol. 55 (April, 1971), 153-72.

¹⁰ See Roy Lubove, "The New York Association for Improving the Condition of the Poor," *New York Historical Society Quarterly*, Vol. 43 (July, 1959), 307-28; Dorothy G. Becker, "The Visitor to the New York City Poor, 1843-1920," *Social Service Review*, Vol. 35 (December, 1961), 382-96.

¹¹ This is not to attribute what occurred to evil people, nor to suggest that this was the only reason people "gave" to the poor. Philanthropic motives were far more complex. Certainly some gave to please God, or because they enjoyed giving, or because some appeal touched their hearts, or simply because they were altruistic. Moreover, some people dissented from the popular view and argued that poverty resulted from faulty social and economic conditions, not personal inadequacy; they, however, were distinctly in the minority.

deed, the idea that distress was an individual moral matter and thus should not be relieved, especially through public assistance, was not only revived but strengthened in the late nineteenth century by the pseudo-scientific teaching of Herbert Spencer, the English civil engineer turned philosopher, and others who applied the Darwinian theory of evolution to social conditions and thought. Social Darwinism, as it was called, a happy union of laissez-faire economics and the doctrine of the struggle for existence (or "survival of the fittest," to use Spencer's term), became the prevailing philosophy of the era.¹²

Still, only a few Americans read Spencer and his disciples or understood the full implications of social Darwinism. More important, America was a Christian nation with a charitable impulse and a tradition that was too strong to be eliminated completely. Even Herbert Spencer, when accused of hardness of heart because of his attitude toward the poor, retreated to the position that voluntary charity would be tolerated since it encouraged altruism, a Christian virtue.

What resulted in nineteenth century America, therefore, was a continuation of the informal division of labor begun earlier in the century. The public's role remained severely circumscribed. Confined to a caretaker and punitive function, public responsibility was, for the most part, limited to routine maintenance in almshouses, asylums and other institutions. Public institutions dealt with dependents the private or voluntary sector was unable or unwilling to handle and those who, it was felt, should be removed from society. The primary source of relief, especially home relief, was the private agency, staffed by middle and upper class volunteers who dispensed benefits without fostering pauperism, and spread those religious and moral influences that would produce the desired change in the attitudes and behavior of the poor.

So rapidly did private agencies multiply, however, that before long America's largest cities had an embarrassment of them. Charity directories took as many as 100 pages to list and describe the numerous

groups organized to alleviate misery, combat pauperism and meet every imaginable crisis. In Philadelphia alone, in 1878, there were some 800 voluntary charitable agencies of one kind or another.

It was difficult for charity workers to coordinate the activities of those agencies, especially during the deep depression of the 1870's when they responded to the crisis by setting up soup kitchens, bread-lines and free lodging houses, and by distributing fuel, food, clothing and even cash to the poor. In time of such distress, material relief naturally took precedence over spiritual relief; little attention was paid to any investigation of need, to safeguards against duplicity, or to the provision of counsel.

Many charity workers were horrified by this "excess" of relief and the chaotic way in which it was distributed. Charity work, they argued, should be organized along scientific lines to curb its inefficiency, wastefulness and, above all, the demoralization of the needy. Such was the temper of the times when the charity organization movement, or "scientific charity," was spawned.

THE CHARITY ORGANIZATION MOVEMENT

Basically, the charity organization movement, which began in Buffalo, New York, in 1877, had two objectives: (1) to eliminate fraud, inefficiency and duplicity in the area by setting up organizations to serve as clearing houses for all relief-dispensing societies in the community, by promoting cooperation and higher standards of efficiency among them, by maintaining registries of all relief applicants and keeping detailed records of the assistance they received, and so on; and (2) to devise a constructive method of dealing with or treating poverty by having "friendly visitors" investigate each case in order to diagnose the cause of destitution and then prescribe the remedy, usually a heavy dosage of moral exhortation.¹³

This "science of social therapeutics," like the AICP movement before it, was based in large part upon personal contact between the rich and the poor as a substitute for financial assistance; indeed, its motto was "not alms but a friend" (although critics of the movement charged that it should be "neither alms nor a friend").¹⁴ Scientific philanthropy also reflected the spirit of its time: order, efficiency, foresight, and

(Continued on page 40)

¹² See Richard Hofstadter, *Social Darwinism in American Thought* (Boston: The Beacon Press, 1959), pp. 3-66.

¹³ See Roy Lubove, *The Professional Altruist: The Emergence of Social Work as a Career* (Cambridge, Mass.: Harvard University Press, 1965), pp. 1-21; Robert H. Bremner, "Scientific Philanthropy," *Social Service Review*, Vol. 30 (June, 1956), pp. 168-73; Verl S. Lewis, "The Development of the Charity Organization Movement in the United States, 1875-1900" (Unpublished Doctoral Dissertation, Western Reserve University, 1954); Josephine Shaw Lowell, *Public Relief and Private Charity* (New York: Putnam's, 1884); Milton Speizman, "Poverty, Pauperism, and their Causes: Some Charity Organization Views," *Social Casework*, Vol. 46 (March, 1965), 142-49; Frank D. Watson, *The Charity Organization Movement in the United States* (New York: Macmillan, 1922).

¹⁴ "NO RELIEF GIVEN HERE" heralded a sign at the entrance to the Buffalo Charity Organization Society.

Walter I. Trattner is the author of *Homer Folks: Pioneer in Social Welfare* (New York: Columbia University Press, 1968), *Crusade for the Children: A History of the National Child Labor Committee and Child Labor Reform in America* (Chicago: Quadrangle Books, 1970), and *From Poor Law to Welfare State: A History of Social Welfare in America*, to be published later in 1973 by The Free Press. He is also the author of numerous articles in scholarly journals.

After 1900, "voluntary agencies began to insist that economic hazards to families were so pervasive that only government, using its taxing power, could deal with them adequately." In the twentieth century, "over decades of close interrelation between voluntary and government agencies, the privately supported organizations have [strongly] influenced tax-supported programs. . . ."

Private Charity in the Twentieth Century

BY MURIEL W. PUMPHREY

*Associate Professor of Sociology, University of Missouri, St. Louis
and*

RALPH E. PUMPHREY

Professor of Social Work, Washington University, St. Louis

BEHIND ALMOST EVERY SOCIAL PROGRAM established by state or federal governments, one can discern the influence of groups of private citizens who organized to convince legislators and the public that a service they were providing or promoting would solve a perplexing problem or enhance the well-being of the total society. At times, government officials have encouraged, even used tax funds, for expansion of private services. Conversely, sometimes private agency contributions have been included in the matching funds required when localities wished to participate in federally funded programs. Purists on both sides have sought to establish clear-cut boundaries that would separate publicly and privately sponsored social welfare activity,¹ but the two sectors, now as in the past, exercise reciprocal influence.

An increasing source of concern to relief societies at the beginning of the century was the number of instances when families were thrown into abject want

because the breadwinners were killed or permanently incapacitated by industrial accidents or disease. Without expensive legal services to fight protracted court battles, families could expect no help from employers for medical or living expenses, and were usually left dependent on haphazard relief or had to accept permanent institutionalization in the almshouse.

In many instances, if conscientious widowed mothers were unable to earn enough to keep the family together by piecework at home or by domestic labor, their children were taken from them and placed in orphanages, and the families were never reassembled.² This breakup of families because of poverty was disturbing to many, including charity organization workers and settlement residents.

The uncertainties of industrial employment and the defenselessness of the individual worker when hard times hit his employer were brought home to relief societies, settlements, and others by the depression of 1907. Each successive periodic economic collapse created enormous demands for "poor relief." Churches and settlements were particularly active in documenting the extent of these breakdowns in the social-economic system and their effects on family life. At the height of the economic euphoria of the 1920's, settlement houses were conducting studies which pioneered in demonstrating the effects of the unemployment which foreshadowed the Great Depression.³ In congressional hearings and elsewhere in the early days of the depression it was social workers who, out of their experience in settlement houses and family welfare agencies, presented some of the most impressive

¹ Social welfare is here defined broadly "as including all those forms of social intervention that have a primary and direct concern with promoting both the well-being of the individual and of the society as a whole." John M. Romanyszyn, *Social Welfare* (New York: Random House, 1971), p. 3.

² For a typical description of such practices before 1900, see Mary E. Richmond, *Friendly Visiting Among the Poor* (New York: The Macmillan Co., 1899), pp. 54, 73-74.

³ Clarke A. Chambers, *Seedtime of Reform* (Minneapolis: University of Minnesota Press, 1963), pp. 143-146.

⁴ e.g., Dorothy Kahn, Executive Director of the Jewish Welfare Society of Philadelphia, before the Subcommittee on Unemployment Relief of the Committee on Manufactures, United States Senate, 72nd Congress, First Session S174 and S262, pp. 73-77; in Ralph E. Pumphrey and Muriel W. Pumphrey, *The Heritage of American Social Work* (New York: Columbia University Press, 1961), pp. 408-413. For other private agency activity, see Chambers, *op. cit.*, pp. 188-190.

The gaps in the health care system, which provided the rich the best that could be bought and "the poor" the best the doctors were willing to provide gratis, came to light in the work of dispensaries and hospital out-patient clinics.⁵ Men and women earning wages too low to permit them to pay private physicians' fees were often excluded from "charity" clinics and, even if admitted, usually had to give up half a day's pay, or perhaps a job, to go to a morning clinic.

Disasters always aroused compassionate response. The San Francisco earthquake of 1906, great floods in 1913 and later, and the great holocaust at Halifax, Nova Scotia, in 1916, caused by the explosion of a munitions ship, all occasioned need on such a massive scale that haphazard, impromptu relief was obviously inadequate. The Red Cross, which took the lead in organizing disaster relief, summarized and presented to the public and to legislative bodies the ever present likelihood of the repetition of such disasters with their accompanying massive human need.

The plight of older persons in a society which had little economic or social use for them attracted increasing attention. Beginning with recognition by relief societies that many of these people were "worthy" of an assured income, the scope of recognized need has greatly expanded. In the 1930's the Townsend Clubs mobilized the sense of economic helplessness among older persons into a potent political force, and today such organizations as the American Association of Retired Persons is elaborating the expression of the needs of the elderly on a much broader spectrum.

RESEARCH, EXPERIMENTATION AND DEMONSTRATION

A more sophisticated kind of unmet need was information itself, both about observable facts and about ways of dealing with the conditions which were revealed. To gain support for action required precise documentation. Social agencies, sometimes alone, sometimes in collaboration with colleges and universities, developed refined methods of defining and appraising various kinds of needs. They studied family expenditures and arrived at procedures for setting budgets for households of given sizes and compositions. They devised new methods of making social studies of families to determine strengths and weaknesses (a diagnosis) and techniques of interviewing that would not only elicit information but also would help the person being interviewed to establish a plan

of action for himself. They also formulated new methods for studying whole communities (most vividly illustrated by the Pittsburgh Survey of 1909) to provide communities with the information they needed to develop their own action programs.⁶

Agencies also experimented with new methods of providing assistance. They knew the disorganization which resulted from inadequate relief given capriciously under traditional methods. They began to recognize the value of adequate help provided on an assured basis so that families could plan their expenditures and maintain consistent patterns of acceptable community standards. Cautiously, they began promising regular sums, sometimes called pensions, to selected mothers with children, to the elderly and the blind. At the beginning of the century, much financial help was given "in kind"—food, rent, milk, coal, and so on. Gradually, it was discovered that often housewives shopping with cash could procure more adequate food and more appropriate clothing than the agency could provide. The idea of providing needy families with cash, which had at first seemed so daring, became the preferred method of help.

Work projects were developed so men and women could earn wages during periods of unemployment. In this way work habits, skills, and morale could be maintained. Work projects were resorted to widely in various depression periods but were not kept in continuous operation.⁷

After 1913, some hospitals and dispensaries set up evening pay clinics for working people. The fees charged were sufficient to permit the doctors to receive pay for their time. After 1935, institutions for children and old people, many operated by religious groups, became less custodial in their nature, taking on specialized responsibilities for health care, emotional adjustment and other special services.

New and refined approaches were also tried in disaster relief. Administrative procedures developed by the Red Cross insured prompt response, particularly through a policy of stockpiling goods, services and financial resources for immediate use. Supplies of food, blankets, medicines and other necessities were put in warehouses ready for shipment to disaster areas; personnel were recruited, trained, and kept on stand-by alert for disaster service; and funds were raised to maintain a reserve from which expenditures could be made pending special fund-raising for a particular disaster.

Throughout the work of nearly all agencies, there was increasing emphasis on the prevention of such problems as illness, lack of income, and social handicaps to children. There was also emphasis on restoring affected persons or communities to their previous capacities or, if that were not feasible, rehabilitating them so that new skills or resources might be substituted for the old. Increasing awareness of the nutri-

⁵ Michael M. Davis, *Clinics, Hospitals and Health Centers* (New York: Harper & Brothers, 1927), pp. 47-53; *Medical Care for Tomorrow* (New York: Harper & Brothers, 1955), pp. 21-25.

⁶ Clarke A. Chambers, *Paul U. Kellogg and the Survey* (Minneapolis: University of Minnesota Press, 1971), pp. 33-40.

⁷ Leah H. Feder, *Unemployment Relief in Periods of Depression* (New York: Russell Sage Foundation, 1936).

tional needs of elderly and incapacitated persons led to the establishment of meals-on-wheels and other programs designed to help such people maintain their health and social relations.

Most successful voluntary experiments in ways of coping with social needs were conducted by small local organizations. They could provide services for only a fraction of the potential recipients. For example, privately supported summer camps discovered effective methods of helping children achieve better social relations, but only a few children could attend them.

Relief societies, always dependent on uncertain donations, could not arrange regular stipends for most aged couples, injured workers, widowed mothers, or other "worthy" applicants, although some families were being helped to maintain their self-confidence and avoid the stultifying experiences of living in the poorhouse, of separation, or daily begging. The large number of such needy families in an increasingly industrialized society was affirmed by research and demands on private agencies to meet financial crises mounted.

Voluntary agencies began to insist that economic hazards to families were so pervasive that only government, using its taxing power, could deal with them adequately. President Theodore Roosevelt called the first White House Conference on the Care of Dependent Children in 1909 at the urging of private and public child welfare officials. The outcome was a recommendation for the establishment of the United States Children's Bureau, a condemnation of the breakup of families for reasons of poverty alone, and a recommendation for "mothers' pensions" to keep families together.⁸ Quickly, such plans were adopted in many communities and in some states, and in some cases similar plans were set up for the aged and the blind. Although many individuals and agencies held to more traditional approaches, organizations such as the New York State Charities Aid Society and the American Association for Labor Legislation pushed for wider adoption of the new programs. By 1933, private agencies of many types were supporting the creation of social security programs on a national scale. While programs under the 1935 Social Security Act enabled many people to meet life crises more successfully, private agencies and organizations were keenly aware of thousands of others whose needs were not being met. Many of the expansions of the Act

in 1939, in 1950, and later came in part because of private agency insistence that benefits should be made more nearly universal.

The leisure-time educational and recreational successes of settlements, "Y's," and scouting organizations led to campaigns for more public playgrounds and for "lighted schoolhouses," forerunners of present-day night schools, extension programs, community schools, the Neighborhood Youth Corps and AFDC allowances to support young people's education. Red Cross experience led Congress to establish supplementary federal disaster-relief programs; most procedures and methods for determining eligibility were patterned on Red Cross approaches.

Private child welfare services supported the United States Children's Bureau in urging the establishment of maternal and child health services under the Shepard-Towner Act of 1921 and their revival and extension under the Social Security Act. However, in spite of demonstrations showing the value of newer approaches to medical care, conducted under the auspices of the Milbank Memorial Fund, the Rockefeller Foundation, and others, and the pioneering basic research of the Committee on the Costs of Medical Care (1928-1932), which was organized by private citizens and financed entirely by foundations and professional organizations,⁹ only limited developments occurred in governmentally sponsored medical care. The reason lay primarily in the opposition from other portions of the private sector, particularly the American Medical Association, which for more than 30 years placed itself resolutely in opposition to any form of governmental compulsory health insurance, but which gave ground in 1965 when passage of Medicare became inevitable.

MONITORING PROGRAM EFFECTIVENESS

With government services established, many private agencies and organizations assumed watchdog, yardstick and standard-setting functions. Local family welfare associations, state conferences on social welfare, and national organizations like the National Conference on Social Welfare and the National Catholic Welfare Conference observed the actual workings of each innovation. If Social Security or public assistance payments were below the amounts their research had shown were needed for a minimum level of living, these organizations enlisted citizen support for campaigns to get Congress and state legislatures to upgrade allowances. Discrepancies, inequities and administrative ineptitude came to light as private organizations helped their clients make applications to government programs.

Public assistance agencies copied the type of family budgeting which private family agencies had perfected over three decades. Manuals of instructions closely resembled manuals private family agencies had

⁸ Harold Jambor, "Theodore Dreiser, the *Delineator* Magazine, and Dependent Children," *Social Service Review*, XXXII, No. 1 (March, 1958), pp. 33-40. Excerpts of the report are in Pumphrey and Pumphrey, *op. cit.*, pp. 326-332.

⁹ See *Milbank Memorial Fund Quarterly*, 1924-1935; *The Rockefeller Foundation, A Review*, 1917-1928; *Medical Care for the American People: The Final Report of the Committee on the Costs of Medical Care* (Chicago: University of Chicago Press, 1932).

been using.¹⁰ Private agencies exerted indirect surveillance by conferring with public agencies on cases both agencies were serving. For some years after the new public assistance programs were set up by the states, it was common practice for private agencies to "supplement" inadequate public allowances. This provided many opportunities to document the need for modifications in laws and administrative procedures.

Private agency practice provided comparisons when judging such technical decisions as the size of a worker caseload, the advisability of counselling applicants on the handling of child behavior problems or low family morale and feelings of ostracism and stigma because of welfare help.

During the "McCarthy era" of the 1950's, there was a strong movement to make all public assistance case records open to the public. Private agencies immediately mobilized to protect the privacy of personal details in records; through their board members and financial supporters, they organized voter opinion to make legislators aware of the necessity for care in making such changes.

In many instances, professional organizations and national federations of local agencies formulated specific standards of good practice which public agencies often found themselves compelled to follow by law or by the desire for prestige. The Child Welfare League of America determined what qualities were necessary for good foster homes, for adoption procedures, and for personnel practices, and certified agencies which conformed. In 1918, the American College of Surgeons initiated a program of hospital accreditation which it now jointly administers with the American College of Physicians, the American Hospital Association, and the American Medical Association. Such accreditation is virtually mandatory for any hospital, public or private, which wishes to recruit interns for its staff.

The State Charities Aid Association in New York established a pattern (which, with variations, was widely followed) of having boards of visitors to state and local institutions. These boards were expected to make public reports on periodic, unscheduled visits involving such diverse matters as the civil rights of clients and staff, the accountability for disbursements, and the training of new employees. Such visitation and reporting have had a strong influence on the administrative practices of public institutions.

TRAINED MANPOWER

Government agencies and institutions often de-

pended on staff drawn from private agencies to start the programs and give administrative leadership. The result was a marked tendency to influence policies and practice.

The influence of the experiences at Hull House under Jane Addams and a continuing cordial relationship with prominent members of the settlement movement were clearly reflected at the United States Children's Bureau, in the philosophy and administrative leadership of Julia Lathrop (1912-1921) and Grace Abbott (1921-1934). It was their object to secure for each child good health care, schooling, sufficient family income and protection against economic exploitation, particularly child labor.¹¹

During the 1920's and the early 1930's, both the Milbank Memorial Fund and the Committee on the Costs of Medical Care worked closely with the United States Public Health Service. Milbank staff assisted in drafting parts of the Social Security Act; later, Social Security Board research on the economics of publicly financed health care was conducted by former staffs of Milbank and the Committee on the Costs of Medical Care.

More immediately felt throughout the country was the work of the Social Security Board's Bureau of Public Assistance which provided federal guidance and supervision to the states in setting up and administering Old Age Assistance, Aid to the Blind, and Aid to Dependent Children programs. The person selected in 1936 to head the Bureau was Jane Hoey, who had been well trained and indoctrinated in the philosophy and techniques of private family welfare through the 1920's. These techniques, many originally designed to detect fraudulence, called for cash relief, but only after careful investigation of all applicants and detailed budget calculations to determine whether, and how much, help was needed.

Although many influential people preferred less cumbersome procedures, and although insurance programs were being set up with a minimum of investigatory machinery, Miss Hoey's approach prevailed in a high level political struggle. Throughout the country, the states were persuaded or coerced into setting up a type of administrative and investigatory machinery which was being abandoned by private family welfare agencies. Despite Miss Hoey's politically forced retirement in 1953, the Bureau staff which she had assembled was so imbued with her ap-

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¹⁰ Even today, face sheets for recording identifying information as well as procedures for social studies of eligibility used in state welfare departments closely resemble those in Mary E. Richmond, *Social Diagnosis* (New York: Russell Sage Foundation, 1917), pp. 84, 395-424.

¹¹ Chambers, *Seedtime*, pp. 254-258.

Muriel W. Pumphrey, Associate Professor of Sociology, University of Missouri at St. Louis, and Ralph E. Pumphrey, Professor of Social Work, Washington University, St. Louis, have written extensively on the history of social work and social welfare and together edited *The Heritage of American Social Work* (New York: Columbia University Press, 1961).

"As presently constituted . . . the Burger Court seems most unlikely to accept any substantive reading of a right to welfare into the constitution. . . . It is likely that . . . American society will find more equitable and equalizing methods of supporting the welfare poor. But the basic commitment will be made by the elected representatives of 200 million Americans, not by the 5-4 vote or the 6-3 vote of 9 middling-old lifetime appointees."

American Welfare Policy and the Supreme Court

BY SAMUEL KRISLOV

*Professor of Political Science and Adjunct Professor of Law,
University of Minnesota*

IN THE FIELD OF WELFARE, the Supreme Court has had to confront and mediate between two of the principles of constitutional decision which have loomed as major guiding rules for it in the past four decades. In the first instance—particularly in the first two decades—the Court attempted to allow the very broadest latitude to national and state policy over economic powers, and especially the taxing and spending power. The operant principle is broad discretion to popular majorities in setting social policy. The competing antinomy, which especially came into its own in the past two decades, is the Court's strong inclination to protect the weakest political groups in our society. In the words of former Justice Abe Fortas, the trend has been toward "gradual reduction of the category of non-persons" from American law.¹

Welfare represents a strong setting and an argument for both principles. The levying of charges on a general public to benefit another group at levels of financial support that essentially require some arbitrary judgment is an almost classic example of public policy choice that seems, by definition and tradition, inherently political, majoritarian and legislative in character. There is some evidence that the American political system accepts the proposition that "taxation without representation is tyranny."

At the same time, the individual on welfare is peculiarly in need of protection when trouble occurs between the recipient and the program administrators. The conditions which require the original benefit are often disabling in terms of overcoming a benefit loss,

which is itself basic and potentially devastating. The political and legal opportunities for redress available to such people are in practical terms not abundant.

Two factors condition the implementation of these principles, one sociological, the other an entrained legal development. The growth of the modern welfare-capitalist state has created a heavy dependency on government. More than one in six of all employees in the United States currently works for government. In 1969, the expenditures of governments in American society approximated 30 per cent of the gross national product. In a state where economic dependency on government is rare, a casual relationship and even an arbitrary attitude by authority is countenanced. Where everyday life is enmeshed in governmental operations, regulations and appeal arrangements binding the government are sought. In progressive welfare states, with their elaborate pension, medical, and social insurance rights, we have witnessed the growth of the ombudsman—an informal complaint receiver. In such states, "sovereign" governments once thought unsuable can be brought to court.

Similarly, legal thinkers have rejected the dichotomy of "right" versus "privilege" as a meaningful way of deciding what is permissible government action. They see this argument as a form of *petitio principii*, or the fallacy of assuming a conclusion in the form of stating it. To say that government can't do something because it would deny a "right" to someone, while it could do the same thing to a second person because that person was being accorded a "privilege," is really a way of saying that the governmental interest is

¹ "Equal Rights—for Whom?" *New York University Law Review*, Vol. 42, pp. 401-404.

predominant in one instance but not in the other. While in the old terminology, for example, pursuing employment was a "right" and a hunting license or welfare payments were "privileges," a law requiring individuals to vote Republican as a condition for obtaining any of these rights or privileges would be equally invalid. On the other hand, some governmental requirements—e.g., withholding taxes, or health inspections for food handlers—can be exacted even if they modify "rights."

The overall effect of these principles and trends, then, has been clear. The Supreme Court has permissively and affirmatively allowed greater authority to national and state governments in a programmatic sense, authorizing wide use of the government's power to carry on its responsibilities in the field of welfare. In the recent period, this has been accompanied by an increasing concern (especially for procedural rights) for individual applicants and the recipients of welfare. As we shall see, the Court also flirted with the possibility of itself asserting standards of need under welfare, a substantive stand, but rather quickly rejected the suggestion.

II

Even as the New Deal ushered in a new era of positive government, basic constitutional issues establishing the parameters of such actions remained unresolved. For the purpose of welfare, the basic questions were the scope of the congressional authorization to tax and spend, and the question of the legal status of conditional grants-in-aid to the states.

It is surprising that prior to 1936 there had been no Court exposition of the constitutional provision that "The Congress shall have power to lay and collect taxes . . . to pay the debts and provide for the . . . general welfare . . ." (Article 1, section 8). In part, this reflected the peculiarities of Court rules on who may sue. A mere taxpayer does not generally have standing in federal courts to challenge an expenditure unless he can show that his money is used precisely in that expenditure; that means unless Congress specifically sets up a separate fund from a specific tax—e.g., gasoline taxes paid into a highway fund—there is no real opportunity for simple taxpayer suits. Many states do allow such suits in their courts, however, and (peculiarly) under certain circumstances a state taxpayer may appeal to the Supreme Court, though he could not have begun the proceeding in a federal court.

But the Supreme Court's taxpayer rule—which has been modified in establishment of religion cases—is only an invention of the 1920's, and cannot be the total explanation of the absence of litigation. Particularly, the major justification for the taxpayer rule

is that it prevents every crank in America from flooding the courts, but it was developed in an area with inadequate case law because of the absence of litigation. The major explanation of that absence seems fairly clear: by and large, beneficiaries of spending programs are unlikely to challenge their existence, and until the 1960's the courts were not receptive to complaints about details or conditions attached to what was seen as largesse.

For whatever reason, it is a historical fact that the Supreme Court's first interpretation of the taxing and spending clause came in *U.S. v. Butler*, 297 U.S. 1 (1936). The peculiarities of that decision in invalidating the first Agricultural Administration Act need not concern us excessively; the decision was in many ways dealt with and reversed in *Mulford v. Smith*, 307 U.S. 38 (1939). But to decide the *Butler* case, Justice Owen Roberts had to deal with the conflicting expositions of Hamilton and Madison of the taxing and spending clause. Madison had argued that this was in fact a *limitation* upon the other enumerated powers of Congress; to Hamilton it was an additional power. The Court nominally accepted the Hamiltonian view, which seems the only plausible reading, but proceeded illogically to implement the Madisonian. It is one of the few instances of unmistakably fallacious reasoning in Supreme Court history, and subsequent decisions have followed *Butler* only in its vindication of the broad Hamiltonian view. So the taxing and spending clause is now seen as authorizing Congress to raise and disburse monies for programs a majority deems in the general welfare.

In *Steward Machine v. Davis*, 301 U.S. 548 (1937), the Court not only sustained the Social Security Act; its broad language established it as a landmark case for broad federal powers through the money power. It is this case and similar cases which give the federal government its wider outreach in areas like welfare. The federal government has by and large not attempted to build a huge bureaucracy administering, say, family assistance or aid to the blind. That would have created severe problems in terms of diversity of local (particularly economic) conditions, the political resistance to central control, and the simple bureaucratic upheaval that would have taken place. Rather, sums of money are typically made available (usually on some matching basis), provided states or localities establish programs meeting specified minimum standards as to benefit levels, administrative arrangements, accounting procedures and the like. By the grant-in-aid with strings attached, the states can be induced to do what the federal government administratively, politically or even constitutionally might not be able to do.²

The vindication of governmental authority over spending has been especially significant in the field of welfare. That area is "money intensive," to misuse

² See *Steward Machine v. Davis*, 301 U.S. 548 (1937), 589.

an economics phrase slightly. There is little need to establish external regulation except for recipients-state programs and individuals, in contrast to, say, highway programs or food and drug acts. The power to tax and spend is basically sufficient to establish federal authority and primacy in the welfare area, provided Congress and the President choose to use it.

III

The Social Security Act was deliberately designed to resemble "insurance" so that a vesting or ownership right to payments was implied. It opened up the door a bit, but not significantly, to a change in the traditional "beggars can't be choosers" approach to claimants who wished benefits but objected to statutory stipulations or administrative regulation. As late as 1966, federal judge Alexander Holtzhoff could state the traditional doctrine in unvarnished, blunt terms:

Payments of relief funds are grants and gratuities. Their disbursement does not constitute payment of legal obligations that the government owes. Being absolutely discretionary, there is no judicial review of the manner in which that discretion is exercised.³

But attitudes were clearly changing even as Judge Holtzhoff wrote so apodictically.

In a number of areas the legal pendulum had already swung against unconstitutional conditions attached to "privileges" and in favor of due process in their granting and denial. No less a figure than Oliver Wendell Holmes could write about a policeman in 1892: "The petitioner may have a Constitutional right to talk politics, but he has no Constitutional right to be a policeman."⁴ By 1952, the Supreme Court held that elements of due process applied to the possible firing of government employees; in 1960, for example, it went so far as to hold that a state could not inquire into associations of teachers without a *compelling* state interest.

The new application of due process and equal protection to groups formerly treated as having no legal rights is part of what former Justice Abe Fortas called the elimination of non-persons. In parallel cases, the Court has ruled that juvenile courts had to grant those accused of crime the normal Bill of Rights protections, that illegitimate children had the same right to sue for wrongful death of parents, that people living in federal housing could not be summarily evicted, and that students in schools were entitled to protection of the First Amendment, to list some of the many such decisions of the past decade.

Much the same attitude began to develop about welfare recipients; like public employees, juveniles, and students, should they not retain rights granted

others unless there was a compelling state right to limit their rights? (For example, it is unlikely that we would disagree with a requirement that welfare recipients must notify authorities within 60 days if they change residence, though this would clearly be unconstitutional for the general population. On the other hand, a law requiring welfare mothers to be sterilized would almost certainly be unconstitutional unless the population crunch became overwhelming and the "compelling state interest" argument prevailed.)

This attitude was gaining, and not merely in the courts. Congress, for example, has required states to provide procedural safeguards in order to qualify for grants in many programs. Many states, too, began on their own to develop procedures and required hearings to protect the welfare community. Legal writers as early as the 1950's but ever more vocally in the 1960's argued plausibly and sometimes even eloquently for Court expansion of such protections.

Hastening the trend toward the recognition of the rights of welfare recipients was President Lyndon B. Johnson's war on poverty. This was an explicit statement of a national policy to raise the status of welfare recipients. The Office of Economic Opportunity, with Sargeant Shriver as its first director, was dedicated not only to amelioration of wretched conditions but also to the assumption that a major goal was to change the psyches and motivations of the victims of poverty. The Community Action Program, with its famous tagline, "maximum feasible participation," was to give the poor a sense of personal efficacy. And the Office of Legal Services was in part created to do just that in a most direct way. Echoing the writings of Jean and Edgar Cahn—the latter was an adviser to Shriver in the early stages—legal services were structured to encourage individual knowledge and vindication of rights through court procedures as a form of restoring self-confidence and initiative. Procedural reform and a process of welfare that eliminated real or perceived indignities was a logical step, and the legal material for such a reform was conveniently at hand. So welfare law reform became one of the major programs for OEO. The Columbia University Center on Social Welfare Policy and Law became its major backup legal resource for such cases.

In *King v. Smith*, 392 U.S. 309 (1968) the Court held improper an Alabama statute of the "man in the house" nature. This type of provision had cut off welfare benefits from children in a household if there were an alternative male figure who could be "assumed" to be responsible for their maintenance. Relying primarily on what purported to be congressional statute, Chief Justice Earl Warren emphasized the fact that such rules had to protect the children by requiring that a "substitute parent" had to be someone who could be expected to support the child.

³ *Smith v. Board of Commissioners*, 259 F. Supp. 423.

⁴ *McAuliffe v. City of New Bedford*, 155 Mass. 216, 220 (1892).

In 1970, the Supreme Court held that an individual already on the welfare rolls could not be cut off from payments pending a hearing; that is to say, the hearing had to precede suspension of payments. Lower courts have interpreted the decision to cover similar but even tougher standards, a far cry from Holtzhoff's stand of only a few years earlier.

In *Shapiro v. Thompson*, 89 S. Ct. 1322 (1969), the Court took an even more assertive position. At stake were waiting periods required by states prior to the granting of relief. In invalidating these measures, the Court criticized them as impediments to the "right to travel," a constitutional right which has been especially protected by the Court since 1823. The dissenting judges, including Chief Justice Earl Warren, suggested that Congress had sanctioned the waiting period and that under Court decisions Congress clearly had that power. But the majority also hinted that the Fourteenth Amendment required a special scrutiny by the courts where "the very means to subsist—food, shelter, and other necessities of life" were at stake. As subsequent commentary and lower court cases suggested, the majority justices indicated that a waiting period to establish residence might be reasonable with regard to local elections or in-state tuition but was, at best, incongruous when applied to those claiming a state of poverty. Both the "necessities of life" and "special scrutiny" arguments were to figure significantly in the family maximum case as buttresses to the substantive equal protection arguments we will deal with in the next section.

In only one significant case in recent years did the Court reject a significant procedural claim by a welfare recipient. In *Wyman v. James*, 400 U.S. 309 (1971), a welfare mother asserted an absolute right to refuse to admit a case worker to her home unless a search warrant were issued, specifying the place of search and what was being sought. Mrs. James argued that the case worker under whatever guise was, in effect, an inspector. There need be no abuse of visitation rights in terms of arbitrary hours, midnight raids or "pop" visits, or looking in the clothes closet for men's garb; it was enough that Mrs. James did not care to receive the case worker and that she was willing to be interviewed in the case worker's office or other reasonable locale. Her lawyers argued that she should no more be penalized for this than an Internal Revenue agent might penalize a taxpayer if the individual denied access to his home to the tax agent.

For the majority, Justice Harry Blackmun's reasoning was at sharp variance with Mrs. James's contentions. The major purpose of the legislation in question was to benefit the child, and the case worker's role was to ensure the appropriateness of the home life. There were intangible impressions a social worker could obtain from mere presence in the home, unobtainable in an office interview. The requirement that

a home visit be tied to the cash payment was reasonable, the state having a compelling interest in seeing that the purpose for which the payment was made—protection of the child—was in fact carried out.

In subsequent decisions, the Warren Burger Court has shown its willingness to apply established principles in novel areas. So it has held that waiting periods cannot be applied to aliens and that unemployment compensation to individuals already on the relief rolls may not be suspended pending review and hearing. It seems likely that such relatively small extensions will continue, while more novel or sweeping claims will have less appeal to the Burger Court than they did to the Warren Court.

IV

The significant defeat of the OEO lawyers, however, had already taken place. The issue at stake was state family maximum payments. For example, in the case of *Dandridge v. Williams*, 397 U.S. 471 (1970), the Maryland law provided for increased payments per family per child, but only up to \$250 per family. The effect, according to the welfare lawyers, was to disadvantage the sixth child and totally to deny any benefits to subsequent children in the family. Further, such arrangements could theoretically encourage the breakdown of families by making it rewarding to place some children in another home. The state of Maryland argued that a family maximum was a reasonable way to allocate limited resources. Additionally, it suggested that the state had the right to take into account both the political facts of life and the economic consequences. The legislature could, the state suggested, take into account the loss of political support welfare programs might experience if the benefits were open-ended. Again, the legislature might be influenced by a desire to keep benefits to a level below that which a reasonably low-skilled workman might expect.

At first sight, the question is not quite one of major social consequence; yet Edward Sparer, a leading OEO law strategist, was to write of the Court's decision sustaining family maximums:

... A contrary result in *Dandridge* would have permitted wholesale challenges to the barriers created by state leg-

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Samuel Krislov is the editor of the *Law and Society Review* and a member of the Council of American Political Science. Among his books are *The Negro in the Federal Bureaucracy* (Minneapolis: University of Minnesota Press, 1967), *Compliance and the Law: A Multi-Disciplinary Approach* (Beverly Hills, Calif.: Sage, 1972), and *The Supreme Court and Political Freedom* (New York: Free Press, 1968). He is currently a Ford Faculty Fellow; this study in part derives from that project.

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- Larry R. Morley
Michael Mullen
California State College

THREE CENTURIES OF AMERICAN PUBLIC WELFARE

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economic life under greater governmental regulation.

The reformist impulses of the Progressive Era (1900–1920) generally stimulated some gradual changes in public welfare. Institutional facilities for various categories of helpless dependents were retained. In most places, outdoor relief continued to be a public responsibility, but in some places private charities handled much of the burden (in New York City, for example, four major private groups took on this function: the Charity Organization Society, the Association for Improving the Condition of the Poor, the United Hebrew Charities, and Catholic Charities). Increasingly, however, the evidence unearthed by social surveys and investigations challenged traditional assumptions about poverty. Robert Hunter's 1904 social investigation of poverty, perhaps the most careful and objective study made up to that time, effectively linked dependency to income level rather than to personal morality. The great mass of the poor, Hunter argued, became that way through no fault of their own, but because of preventable social and economic evils.¹⁹

Acting on such assumptions, progressive reformers at every level of government advocated a variety of social reforms to improve the quality of life for most people. Thus, there were efforts for tenement house reform, industrial safety legislation, improvements in education, public health regulation, legislation defining minimum wages and maximum hours, the elimination of child labor, workmen's compensation, health insurance, unemployment insurance, mothers' pensions, old age insurance, and similar schemes designed to protect the individual from social injustice and economic inequity.

The mothers' pension movement typified the progressive advance in public welfare. Accepting the argument that mothers with dependent children deserved special aid from the state (an important step), Illinois enacted state-wide legislation for mothers' pensions in 1911, followed by Colorado and Iowa in 1912. By 1927, 42 states had adopted similar laws. Financed and administered by localities rather than by the states, mothers' pensions were also tied to a re-

quirement that family casework be undertaken for the recipients. This led to the hiring of trained social caseworkers by states and municipalities—the beginning of professionalized public social welfare services.

Stemming from the same impulses, old-age pensions were enacted in several states before 1929, but either they were declared unconstitutional or they proved ineffective because they were optional and depended on local financing. Simultaneously, numerous localities began to challenge the dominance and initiative of private charity organization societies and to assert greater public responsibility for welfare. This development was apparent in the establishment of boards of public welfare which centralized all local welfare functions in a single administrative body. Kansas City set up the first board of public welfare in 1908, a model quickly imitated in Cincinnati, Cleveland, St. Louis, Omaha, Dallas and other cities.²⁰

Despite these modest advances during the Progressive Era, the structure, financing and administration of public welfare remained much as it had been throughout the nineteenth century. The essential framework created by the Elizabethan Poor Law continued to shape public welfare programs until the 1930's.

The Great Depression, of course, brought massive and unprecedented unemployment, and threw both public and private welfare agencies into chaos. The persistence of nineteenth century attitudes about poverty and relief prevented speedy action to counter the depression impact. Preaching a doctrine of "rugged individualism," President Herbert Hoover refused to consider federal unemployment relief; rather, he remained convinced that local government and private philanthropy could handle the crisis. But city after city went bankrupt, and private relief funds were quickly exhausted. Everywhere, the inadequacy of local resources became painfully apparent.²¹

With relief efforts virtually paralyzed in the cities and localities, state governments attempted to take up the burden. The politically astute governor of New York, Franklin D. Roosevelt, recognized the magnitude of the relief crisis and accepted the need for firm governmental action. He convinced state legislators to create a Temporary Emergency Relief Administration in 1931 to supervise and support home and work relief programs throughout the state. Headed by social worker Harry Hopkins and requiring matching grants from localities, TERA funneled \$83 million in borrowed state funds to cities and municipalities within a two-year period. The Roosevelt program in New York quickly became a model for welfare efforts in other places, and by the end of the Hoover presidency most states had established similar state-wide relief agencies. But even these state efforts proved inadequate as unemployment mounted and the depression deepened.²²

¹⁹ Hunter, *Poverty*, pp. 63–65.

²⁰ Roy Lubove, *The Struggle for Social Security, 1900–1935* (Cambridge, Mass.: Harvard University Press, 1968), pp. 91–143; Robert Kelso, *The Science of Public Welfare* (New York: Holt, 1928), pp. 174, 206, 210.

²¹ Albert U. Romasco, *The Poverty of Abundance: Hoover, the Nation, the Depression* (New York: Oxford University Press, 1965), pp. 143–172.

²² Irving Bernstein, *The Lean Years: A History of the American Worker, 1920–1933* (Boston: Houghton Mifflin, 1960), pp. 456–459.

The inability of local relief, private philanthropy and state welfare programs to temper the depression crisis forced the nation to consider new measures for economic security. Roosevelt brought his TERA experience to the presidency and applied it on a national scale. The programs of the New Deal period and especially the Social Security Act of 1935, as one historian has noted, "marked a decisive transfer of welfare functions from voluntary to public institutions, and from the local to the federal level, thus paving the way for contemporary anti-poverty programs." The New Deal, in short, permanently altered social welfare practice in the United States.²³

²³ Lubove, *Struggle for Social Security*, p. 179.

WELFARE IN THE NEW DEAL ERA

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tubes. Jobless engineers went to their drawing boards to plan additional projects; WPA dentists and doctors ministered to their co-workers; athletes manned recreation projects; WPA teachers staffed classrooms for nursery schoolers and the elderly alike; vaudeville troupes soft-shoed before audiences at CCC camps; an all-Negro cast performed *Macbeth* (setting the play not in Scotland but in the Caribbean); and WPA braille experts cared for the blind.¹²

During the 1930's, the national government's welfare role undeniably changed. Only a little more than a decade before Roosevelt's arrival, in the Sheppard-Towner Act of 1921, Congress had appropriated the pecksniffian sum of \$1,000,000 to promote the health of mothers and infants: for the first time, Washington had provided money for a welfare purpose. In contrast, the WPA alone spent more than \$10 billion, an amount which supporters of the hotly debated Sheppard-Towner Act would have found too staggering to comprehend. But the test of money alone could not fairly measure the shift that had taken place: the notion that voluntary philanthropy and local initiative could sustain the poor had been replaced by a new pyramid of intergovernmental relationships with Washington at the apex.

At the same time, the antipoverty prejudice which had accumulated over generations was by no means completely removed in the depression decade. While waxing euphoric over the spectacle of a single day in the life of WPA, we can easily lose sight of the fact that for every person on the federal payroll, at least four had been denied relief. The Great Depression, outrunning Washington's fiscal capacity, also outdistanced congressional willingness to spend indefinitely. Worried that a pariah class of chronic de-

pendents was being created, congressional conservatives succeeded in paring WPA before the economy had recovered. When, in 1939, Congress trimmed WPA appropriations, toughened eligibility rules, and scuttled the WPA's Federal Theatre Project, the legislature was trading upon attitudes endemic at the local level throughout the New Deal years.

And it is precisely the nation's behavior at the local level that must qualify any assertion that the 1930's effected a welfare revolution. Despite mixed evidence of both cooperation and recalcitrance, intergovernmental relationships posed major difficulties: state-municipal and state-municipal-federal tensions remained acute. So, too, did local political and ethnic rivalries.

In the meantime, most of the nation's newspapers regaled readers with stories of welfare failures, while accomplishments went virtually unnoticed. Local vendettas against welfare "grafters," conducted in city after city, tended to stigmatize all relief recipients. Distraught property owners watched local tax bills increase. Indeed, the shrill cries against spending, more evident in local than in national politics, indicated the fragility of middle class commitment to welfare and curbed the expansion of local relief in the 1935-1940 period.

Local standards, in fact, remained at such a grindingly low level that in 1937 one of the best-financed municipal welfare systems in the nation paid more to feed and maintain a parks department horse than it allotted to a family of four. Under the circumstances, it is astonishing that the New Deal managed as well as it did. Its achievements, however, were relative.

FEDERAL PROGRAMS: 1945-1968

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lion persons in October, 1964, and 7 million in the fall of 1967, but participation was still low, and one-third of the poorest counties in the nation had neither food stamps nor Donated Foods as late as 1968. During that year, court suits were filed in 27 states to force the United States Department of Agriculture to institute corrective action.²⁰ The department complained that since all of its food programs depended on state and local school board option, its hands were effectively tied.

Other groups insisted that setting a decent income floor below all families and individuals in the nation was the first order of business, and that at the very

¹² Federal Works Agency, *Final Report*, pp. 59-71, 131-133, and *The New York Times*, miscellaneous issues, 1936-1940.

²⁰ *Hunger U.S.A. Revisited, A Report by the Citizens' Board of Inquiry into Hunger and Malnutrition in the United States* (published in cooperation with the National Council on Hunger and Malnutrition and the Southern Regional Council, 1972). *Studies in Human Need*, Prepared by the Select Committee on Nutrition and Human Needs, U.S. Senate, 92d Cong., 2d ss., June, 1972.

least community services should no longer separate the poor from the mainstream but should seek ways of unifying the national community.

PRIVATE CHARITY: 1700-1900

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planning were middle class virtues applied to the nation's industrial as well as charitable life.

In any event, by the late nineteenth century social welfare had become more of a private or voluntary matter than a public one; save for placing the permanently disabled and a few others in public institutions, public assistance had been curtailed. Private agencies, guided by a series of preconceived moral judgments concerning the nature of poverty and the dependent, dominated the scene.

Nonetheless, before long, the organized charities undermined their cherished beliefs—that pauperism resulted from personal defects and evil acts, namely, sinfulness, intemperance, indolence and excessive relief-giving. Their agents learned that poverty and dependency were not, for the most part, expressions of individual moral perversity but were rather the result of faulty social and economic conditions over which the needy had little or no control. All the character regeneration in the world, for example, could not help the hundreds of thousands of laborers thrown out of work during the depression of the 1890's.

Also, since the organized charities insisted upon gathering the facts and keeping detailed records, they unwittingly compiled comprehensive data on the social and economic problems of the poor, the real poverty-producing factors that had little to do with character—ill health, premature death of the family breadwinner, industrial accidents, low wages, involuntary unemployment, and so on. Traditional notions about the poor had to be discarded, or at least seriously reconsidered. A number of scholarly studies showed that poverty and dependency resulted in most cases from social and economic causes rather than from personal inadequacy.¹⁵

¹⁵ Amos Warner, *American Charities: A Study in Philanthropy and Economics* (New York: Crowell, 1894). Also see Robert Hunter, *Poverty* (New York: Macmillan, 1904), a study that not only reached pretty much the same conclusions as Warner's but demonstrated that the COS approach did not work; according to Hunter, at least ten million Americans, or one out of every eight, were still poor after the turn of the century—more than 25 years after the movement began. Also see Dorothy G. Becker, "Exit Lady Bountiful: The Volunteer and the Professional Social Worker," *Social Service Review*, Vol. 38 (March, 1964), 57-72; Gary A. Lloyd, *Charities, Settlements, and Social Work: An Inquiry into Philosophy and Method, 1890-1915* (New Orleans: Tulane University School of Social Work, 1971); Bremner, "Scientific Philanthropy," 172-73.

¹⁶ See Allen F. Davis, *Spearheads for Reform: The Social Settlements and the Progressive Movement* (New York: Oxford University Press, 1967).

By the turn of the century, then, the organized charities began to broaden their efforts. They began to provide material relief to the needy. And they also engaged in a variety of other activities—housing reform, public health work, juvenile courts, probation and legal aid, publication of reform-oriented journals, founding of training schools for charity workers—which, if they were not aimed at altering the social and economic order, at least sought to mitigate some of its worst effects.

Meanwhile, other developments, including the appearance of settlement houses in the nation's larger cities, were leading in the same direction.¹⁶ And as the complex of problems associated with rapid industrialization, urbanization and immigration resulted in even more rather than less deprivation and insecurity, a growing number of reformers saw the need for more public assistance. The magnitude of the task, they felt, called for more monetary support than private agencies could command. Moreover, since poverty was a social, not an individual, matter, more public intervention and aid was not only necessary but just.

PRIVATE CHARITY IN THE TWENTIETH CENTURY

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proach that no substantial changes were broached for ten years, while most changes which have been introduced during the past ten years have met with widespread public resistance.

Many of the leaders recruited for federal and state public assistance programs received their training in private agencies, private universities, or both. The principal textbook was Mary Richmond's *Social Diagnosis*, with its precise prescriptions for investigations and social studies coming out of pre-World War I family welfare experience. Within the new government agencies, Miss Hoey placed great emphasis on another practice derived from private agency experience—in-service training and close supervision of workers in individual conferences. Thus the influence of the private agencies from the 1920's, exerted by means of education and manpower recruitment, has continued down to the very recent past.

CITIZEN CONCERN

In private social welfare, there has also been a thread of individual and social concern. Private organizations have tried to bring together the concerns of many people for their more effective expression on a continuing basis. Through agencies, the financial and volunteer service of many individuals can be pooled to achieve sustained pressure.

Traditionally, in this country such organizations have been local in nature; the relief societies, settle-

ment houses and dispensaries were supported by and served very small geographical areas. Correspondingly, their individual spheres of influence on public policy and programs were usually limited to the local community, or at most to a single state. Late in the nineteenth and early in the twentieth centuries there was a proliferation of national organizations, most of which represented coalitions or federations of like-minded local associations which retained their individual identity.

The National Conference of Charities and Correction (renamed the National Conference of Social Work in 1916 and the National Conference on Social Welfare in 1957) provided a forum where local and state leaders of governmental and voluntary agencies could exchange experience and opinions. Between 1910 and 1912, its Committee on Standards of Living and Labor hammered out a report which advocated a living wage, the eight-hour day, federal safety standards, safe and sanitary housing, the prohibition of child labor and the regulation of factory work for women, and social insurance to cover old age and unemployment as well as workmen's compensation. This report was incorporated into Theodore Roosevelt's "Bull Moose" party platform in 1912.¹²

After this and many other heated debates at the conference, the individual members went back to their communities and their agencies and made their experience and judgments felt through their own local and national organizations. Organizational concerns varied greatly between the Child Welfare League, the National Federation of Settlements, the Salvation Army and others. Furthermore, on some issues, proposed solutions were in conflict, as between the National Catholic Welfare Conference and the Planned Parenthood Association, for instance. However, they had in common the objective of bringing to public and legislative attention the desires of their adherents.

Since organizations, like individuals, lose some of their effectiveness if they appear to speak with many tongues, the national organizations have sought ways to secure consensus and working coalitions on matters of mutual concern. At first, the executives of some agencies met informally as the National Social Work Council. In 1946, most major private agencies joined in a loose confederation, the National Social Welfare Assembly. In this organization, reconstituted as the National Assembly for Social Policy and Development, it was possible through orderly, if sometimes cumbersome, procedures, to examine issues, clarify points of agreement and difference, and present a more united front in dealing with Congress and federal agencies. For example, campaigns for enlarged coverage in the

Social Security and Public Assistance programs were endorsed.

CONCLUSION

Over decades of close interrelation between voluntary and government agencies, the privately supported organizations have influenced tax-supported programs by:

1. Uncovering and bringing to public attention problems of individuals, groups and communities;
2. Pioneering in the development and demonstration of techniques and organizational systems which have philosophical rationales;
3. Urging government action to assure universal and equitable programs;
4. Assuming watchdog, yardstick and standard-setting functions;
5. Providing trained, experienced staff personnel; and
6. Providing vehicles for continuous expression of citizen concern.

Such functions are of the essence of a democratic government.

WELFARE AND THE SUPREME COURT

(Continued from page 36)

islatures and Congress to deny welfare assistance to groups of needy people. Distinctions between grant levels of individuals in equal need, whether because of differences in categories or their state of residence, might have been brought down. Traditional divisions between state and federal authority, and between the three branches of government, would doubtless have been altered. The equal protection clause would have become the main vehicle for establishing a constitutional guarantee of human life. In these and other ways, affirmative judicial scrutiny to guarantee equal protection could have led to a different America.⁵

There is a major constitutional issue lurking behind the family maximum, one which might have led to a major transformation in our whole concept of social welfare and the nature of governmental support. Essentially, the long-range argument was that the Fourteenth Amendment's requirement of equal protection was not merely one that negatively prohibited unreasonable classifications. It was seen as ultimately requiring a positive guarantee of the minimum necessities of life.

To transform a constitutional provision from a ban to a mandate is not an easy legal accomplishment. As a general rule, it has taken several decades of continuous litigation involving gradual shifts of meanings in small respects which ultimately involved big differences; the transformation of "due process of law," for example, involved litigation over a half-dozen decades if one includes the Fifth Amendment clause,

¹² Nathan Edward Cohen, *Social Work in the American Tradition* (New York: The Dryden Press, 1958), pp. 94-95.

⁵ Edward Sparer, "The Right to Welfare," in Norman Dorsen, *The Rights of Americans* (New York: Vintage, 1972).

and fully three decades, even if one considers only the Fourteenth Amendment.

The OEO lawyers set out to telescope such a development into a period of years, not decades. They were encouraged by comparatively free-wheeling readings of equal protection in such instances as the voting and apportionment cases, and lower court responses to claims based upon inequality of school district expenditures.

To make the vault from a ban to an asserted positive right, the welfare lawyers desperately needed what Lon Fuller calls a "bridging case," one which contains an easy transition from an old to a new concept. In *Shapiro v. Thompson* the Court had called for the end of waiting periods as infringements upon an equal entitlement to basic means of maintaining life. All equally situated persons were entitled to equal treatment. In one sense, this was a traditional equal protection argument, but waiting periods for welfare payments are so common in our society that, as one writer puts it, "Unless the Court has silently given decisive weight in these cases to the fact of destitution, the outcome is hard to understand."⁶

The OEO lawyers hoped to anchor their bridge on that assumption. Extending the *Shapiro v. Thompson* argument in the family maximum cases, they argued that the sixth and subsequent children in a family were denied their equal amount with other children, a denial based on the irrelevancy of their order of birth. In one sense, again, this was a traditional argument, but it moved matters just a trifle further. Every eligible person is entitled to a similar control over the necessities of life. It takes only one further bold thrust to say that the state may not condition aid upon any extrinsic conditions.

Dandridge, therefore, was a crucial case indeed. It was essential to win it in order to further strategies on substantive equal protection grounds. Even without the advent of more conservative justices appointed by President Richard Nixon, the *Dandridge* ruling put a tight rein on the possibility of basing a spending program on judicial remanipulation of the meaning of vague constitutional words.

V

We started with a consideration of two basic concepts underlying the Court's actions in the area of social welfare. On the one hand, we find concern for social policy and broad majoritarian authority over economic policy. One of the major legacies of the 1920's and 1930's was a belief that, in the main, judges, drawn from a narrow spectrum of the class structure, were not appropriate decisions-makers on

economic issues. As the late Justice Frankfurter put it:

Courts are not representative bodies. They are not designed to be a good reflex of a democratic society. Their judgment is best informed and therefore most dependable within narrow limits.⁷

Accordingly, the Court freed the national legislative power to deal with welfare, as with most areas of policy, through the legislative process. That constitutional latitude has been ample to deal with alternatives, and since 1937 Congress has not been significantly hampered in its approach to welfare by considerations of constitutional authorization or state power.

Reflecting problems arising from the growth of welfare programs, the Court has turned to problems of inequitable, arbitrary, and insensitive procedures and treatment of those enmeshed in their workings. These problems and efforts to solve them have occurred in all mixed-welfare-capitalist countries, and even in purer socialist systems. The stricter due process and equal protection standards applied to welfare recipients by the Warren Court were largely borrowed from such cognate areas as the treatment of government employees. They tended to be conventional and widely accepted adaptations of notions of administrative fairness widely held in society. The novelty was that the courts were freed from the attitude that procedural rights were not to be accorded to the welfare poor. Once the basic breakthrough took place the rest followed. The Warren Court was perhaps a trifle slow in ushering in the new approach, but it laid a firm foundation, and it is most unlikely that its decisions will be undone. Novel notions of procedural rights may be less well received by the conservative Burger Court, but slow and progressive recognition of elements of fairness is likely.

As presently constituted, and for at least a decade hence, the Burger Court seems most unlikely to accept any substantive reading of a right to welfare into the constitution. On the face of it, the OEO lawyers' efforts to urge them to do so seem strained, anti-democratic, and contrary to the spirit of our governmental system. Because the OEO lawyers thought that Congress and the state legislatures were ungenerous to welfare recipients, they sought to achieve their ends through what is essentially an elite institution, the Supreme Court. Such efforts succeed when there is a basic principle—freedom of expression, due process—generally accepted by the public, and costing little in direct zero-sum taking. It is likely that, after the peculiar Nixon domestic interlude, American society will find more equitable and equalizing methods of supporting the welfare poor. But the basic commitment will be made by the elected representatives of 200 million Americans, not by the 5-4 vote or the 6-3 vote of 9 middling-old lifetime appointees.

⁶ Margaret Rosenheim, "Shapiro v. Thompson: The Beggars are Coming to Town," *Supreme Court Review* (1969), 303 at 320.

⁷ *Dennis v. U.S.*, 341 U.S. 494 (1951), at 525.

THE MONTH IN REVIEW

A CURRENT HISTORY chronology covering the most important events of May, 1973, to provide a day-by-day summary of world affairs.

INTERNATIONAL

Disarmament

May 10—An agreement to seat Hungary as less than a full participant ends a 3½-month East-West deadlock. The first full session of the preparatory meetings for the conference on mutual reduction of military forces in Central Europe will begin on May 14.

European Economic Community (Common Market)

May 1—The agricultural ministers of the 9 member states establish a new level of farm prices for the coming year and set up a policy of consumer subsidies to reduce the cost of butter.

May 14—Foreign ministers of the Common Market member states open 2 days of discussion on Europe's position in tariff negotiations with the United States later this year.

International Court of Justice

May 21—Australia asks the International Court of Justice to order France temporarily to refrain from staging nuclear tests in the South Pacific.

International Monetary Crisis

May 14—For the 1st time in history the price of gold is above \$100 an ounce in Europe, reaching \$102.25 an ounce in London; the dollar declines sharply.

May 21—The price of gold reaches a new record high of \$112 an ounce in European financial centers.

Middle East Crisis

(See also *Egypt; Lebanon*)

May 4—The Lebanese army and Palestinian guerrillas arrange a 2d cease-fire, ending more than 2 days of heavy fighting in the area of Beirut and providing for withdrawal from Lebanese territory of guerrillas crossing over from Syria. Egypt, Iraq and Algeria mediated.

May 7—The Lebanese government places the country under martial law as new fighting erupts.

May 8—Agreement on a cease-fire, the 3d since fighting erupted a week ago, is announced. Previously, Syria closed her border with Lebanon and warned that she might come to the aid of the terrorists.

May 10—Palestinian guerrillas cross over from Syria in a 2d invasion into southeastern Lebanon; they set up gun emplacements near a main highway.

Lebanese jets attack guerrilla positions near the Syrian border.

The Israeli army begins infantry maneuvers on the occupied Golan Heights, to deter Syria from sending forces into Lebanon.

May 11—Sudanese sources say that President Gaafar al-Nimeiry of Sudan has postponed indefinitely the trial of the 8 Palestinian guerrillas who killed 1 Belgian and 2 American diplomats last March.

May 15—Libya, Iraq, Kuwait and Algeria temporarily halt the flow of oil to the West in a symbolic protest against the state of Israel.

Organization of African Unity

May 24—Emperor Haile Selassie of Ethiopia addresses

crowds at the opening of the 10th anniversary celebration of the 41-nation group.

United Nations

May 12—The United Nations Food and Agriculture Organization appeals for aid for 6 West African countries suffering from drought.

War in Indochina

(See also *U.S., Foreign Policy*)

May 2—The Vietcong fire on 2 helicopters carrying 4 members of the truce commission.

May 3—Communist troops attack Pnompenh's southern defenses again.

U.S. Ambassador Ellsworth Bunker, making a public speech for the first time in 15 months, reports continued fighting in South Vietnam, but at much lower levels.

May 7—A South Vietnamese military spokesman announces the release of 196 civilian prisoners, the first of a group of 650 civilians to be returned to the Vietcong this week.

A convoy carrying fuel and other supplies, the first since April 23, reaches Pnompenh, the Cambodian capital; one tanker was sunk by Communist fire.

May 14—The 4-nation International Commission of Control and Supervision votes unanimously to investigate Vietcong charges that American planes have bombed South Vietnam; the U.S. embassy in Saigon denies the charges.

May 15—Cambodia releases 121 Vietnamese residents of Cambodia, who have been held as political prisoners; many of them are women and children. They fly to Saigon.

May 17—In Paris, Henry A. Kissinger, U.S. President Richard Nixon's special adviser on national security affairs, meets with Le Duc Tho, a member of North Vietnam's Politburo, to discuss ways to enforce the Vietnam cease-fire.

May 19—The Vietcong charge that the U.S. air strikes staged last week in South Vietnam were in violation of the cease-fire agreement. A meeting of the 4-party Joint Military Commission to discuss the return of the bodies of scores of Americans who died in air crashes in Indochina is boycotted by the Communists.

U.S. fighter planes based in Thailand aid embattled Cambodian troops south of Pnompenh.

May 22—Cambodian government troops supported by U.S. planes fight to retake a portion of Route 4 between Pnompenh and Kompong Son.

May 23—Kissinger and Tho end a week-long meeting to discuss ways of avoiding violations of the Vietnam cease-fire. Kissinger, at the airport before leaving for the U.S., says that "significant progress" has been made. Talks will resume in Paris on June 6.

May 24—U.S. Deputy Assistant Secretary of State for East Asia and Pacific Affairs William H. Sullivan arrives in South Vietnam to discuss enforcing the cease-fire with South Vietnamese President Nguyen Van Thieu.

May 29—Mitchell W. Sharp, Canadian Secretary of State for External Affairs, declares that Canada will withdraw from the 4-nation International Commission of Control and Supervision in 60 days because its 290-man military observation team is not being allowed to do its job prop-

AFGHANISTAN

May 24—According to *The New York Times*, Afghan farmers are harvesting a large crop of opium on newly irrigated land in the Helmand Valley, where the U.S. has supported a reclamation project to improve food production.

ARGENTINA

May 1—Military commanders take over power in the capital and 5 largest provinces in an emergency action against a group of Trotskyite guerrillas who assassinated the former chief of staff of the armed forces, Rear Admiral Hermes Quijada.

May 3—After a 3-hour meeting with military leaders, President-elect Héctor J. Cámpora backs civil rule.

May 22—At midnight, the Argentine military government ends its 4-year-old state-of-siege decree as part of the transition to civilian government.

May 23—The Ford Motor Company decides to meet terrorist demands for \$1-million worth of ambulances and financial aid for hospitals to avoid further incidents. Yesterday terrorists shot and wounded 2 Ford executives near the company's Buenos Aires branch.

May 25—Héctor J. Cámpora, a Peronist, is inaugurated; Argentine's 7-year-old military government is out of office.

May 30—The new Peronist government places all 19 national universities under the control of specially appointed trustees, who will decide all administrative and ideological questions.

AUSTRALIA

(See also *Intl, Intl Court of Justice*)

May 8—Prime Minister Gough Whitlam announces an end to Australia's embargo on trade with Communist nations, an action coinciding with the departure of its 1st trade mission to China.

May 15—The Australian Council of Trade Unions approves a boycott of French goods and communications as a protest against French nuclear tests in the South Pacific.

BOLIVIA

May 15—The government reports a right-wing conspiracy within the armed forces; the right-wing leader is accidentally killed. Yesterday, the government announced that 2 left-wing guerrilla leaders were killed by security forces.

CAMBODIA

(See also *Intl, War in Indochina*)

May 11—In Tam, a leading non-Communist opponent of President Lon Nol, announces that the 4-man ruling Council (of which he is a member) has appointed him Premier.

May 16—A new Cabinet headed by Premier In Tam is officially sworn in.

May 26—U.S. planes strike areas along the Mekong River.

CANADA

(See *Intl, War in Indochina*)

CHINA

May 29—Huang Chen, a veteran diplomat, arrives in Washington, D.C., to open a liaison office.

CUBA

May 1—Premier Fidel Castro supports a regional grouping of Latin American and Caribbean countries that would exclude the United States; he announces Cuba's readiness to establish diplomatic relations with any Latin American country having an independent foreign policy.

CZECHOSLOVAKIA

(See *German Federal Republic*)

EGYPT

(See also *Intl, Middle East*)

May 22—West German Foreign Minister Walter Scheel ends a 3-day visit. According to *The New York Times*, he reportedly assured President Anwar Sadat that the U.S. and the U.S.S.R. were working for a quick and peaceful solution to the Middle East crisis.

FRANCE

(See *Australia; United Kingdom, Great Britain; U.S., Foreign Policy; Intl, Intl Court of Justice; Madagascar*)

GERMANY, DEMOCRATIC REPUBLIC OF (East)

(See *German Federal Republic; Japan; U.S.S.R.*)

GERMANY, FEDERAL REPUBLIC OF (West)

(See also *U.S., Foreign Policy; Egypt*)

May 3—The *Bundesbank* or central bank raises its bank rate 1 point to 6 per cent as an anti-inflationary measure; simultaneously, the commercial bank rate is raised 1 point to 8 per cent.

May 9—Rainer Barzel resigns as Opposition leader in Parliament, following the rejection of his effort to prevent ratification of the treaty establishing formal relations between the two Germans.

May 10—The government renews its anti-inflationary efforts in a 21-point program in the areas of taxation, credit, budgetary measures and trade.

May 11—The lower house of the Parliament votes, 268 to 217, to establish formal relations between the two Germans; it approves, 365 to 121, West Germany's prospective entry into the United Nations along with East Germany.

May 18—The Soviet Communist party leader, Leonid I. Brezhnev, arrives in West Germany for 4 days of talks with West German Chancellor Willy Brandt.

May 19—Brezhnev and Brandt sign a 10-year agreement for economic and industrial cooperation, and cultural exchanges.

May 21—Brandt and Brezhnev end 4 days of meetings. They issue a joint declaration of economic and cultural cooperation.

May 30—A joint communiqué is issued by West Germany and Czechoslovakia announcing that the two nations have agreed to establish normal relations, terminating 25 years of hostility.

GREECE

May 10—The Orthodox Church of Greece elects an "old guard" Synod, overruling its primate Archbishop Ieronymos and satisfying the wishes of the "mother" Church of Constantinople.

May 11—Hundreds of student protesters demonstrate for the release of some 70 student leaders arrested by security authorities in the past 2 weeks.

May 26—The commander of a Greek destroyer and 30 officers and crewmen are granted asylum in Italy after they mutiny against the Greek military government.

ICELAND

(See also *U.S., Foreign Policy*)

May 18—Following reassurances from the British government that Royal Navy frigates will be sent in if necessary, British trawlers start to return to disputed fishing waters off the Icelandic coast.

May 19—Following the dispatch of Royal Navy frigates into

waters near Iceland, Premier Olafur Johanneson protests to the British ambassador. Iceland has claimed exclusive fishing rights within a 50-mile offshore limit; the previous limit was 12 miles.

May 21—The government accuses Britain of invading "the Icelandic fishing area," and declares that it will recall its ambassador to Britain.

May 24—In Reykjavik, several thousand demonstrators stone the British Embassy because of Britain's challenge to Iceland's offshore fishing limit.

May 26—An Icelandic gunboat fires on a British trawler off the northern coast of Iceland.

IRAN

(See *Pakistan*)

IRELAND

May 12—The new coalition government announces acceptance of proposals for women's rights, including equal pay and the elimination of discrimination in employment.

May 31—Almost final returns indicate that Erskine Childers, a Protestant, has been elected President of this largely Roman Catholic republic; he will succeed Eamon de Valera.

ISRAEL

(See also *Intl, Middle East*)

May 7—Israel celebrates its 25th anniversary as an independent state with a military parade attended by an estimated 10 per cent of the population.

ITALY

May 7—The government signs an agreement with postal workers ending a 3-week strike.

May 24—The Chamber of Deputies votes to remove parliamentary immunity from Giorgio Almirante, leader of the Italian Social Movement—National Right Wing. He is now subject to trial for reorganizing the outlawed Fascist party.

JAPAN

May 15—The Foreign Ministry announces the establishment of diplomatic relations with East Germany.

JORDAN

May 26—King Hussein accepts the resignation of Premier Ahmed al-Lawzi. His successor, Zaid al-Rifai, forms a new 19-member Cabinet.

LEBANON

(See also *Intl, Middle East*)

May 17—The official Lebanese radio station announces that a committee of Palestinian guerrillas and Lebanese authorities has been established; the Palestinian rebels and the Lebanese government announce that they have come to "identical viewpoints" on resolving their conflict.

May 19—Amin Hafez resumes the premiership from which he resigned on May 8 at the height of the fighting between Palestinian guerrillas and the Lebanese army. Hafez withdrew his resignation at the request of President Suleiman Franjeh.

May 23—The Lebanese Cabinet decides to end the state of emergency imposed after clashes between guerrilla and army forces.

MADAGASCAR

May 12—The military government arrests Manandafy Racotonirina, the head of the only remaining Opposition party, and other party leaders.

May 24—French and Madagascar representatives announce agreement on the withdrawal of French troops from Madagascar.

MEXICO

May 7—The government complies with the demand of Mexican guerrillas to fly 30 political prisoners to Cuba and to pay \$80,000 in exchange for the release of the kidnapped U.S. Consul General, Terrance G. Leonhardy. Leonhardy is set free.

NETHERLANDS

May 11—Premier Joop den Uyl and his 16-member Cabinet, forming a 5-party coalition government, assume office after the longest political crisis in the Netherlands' history—163 days.

PAKISTAN

May 6—Pakistani police raid the homes of several hundred Bengalis. The Bengalis are being moved, reportedly "in preparation for their eventual repatriation to Bangladesh."

May 14—President Zulfikar Ali Bhutto ends a 5-day visit to Shah Mohammed Riza Pahlavi of Iran.

PERU

May 8—The military government announces expropriation of the country's fishing industry in an attempt to solve its economic crisis.

PHILIPPINES

May 9—President Ferdinand E. Marcos sends 3 envoys to Sulu and Cotabato Provinces in a peace offensive.

May 11—President Marcos lifts government control of local and foreign information outlets.

May 12—President Marcos orders the 1st military draft.

RHODESIA

May 3—In an apparent response to international and British demands, the government releases Rhodesian journalist Peter Niesewand from jail; the appeals court set aside his conviction 2 days ago. He is put on a plane for London after being given the choice of jail or exile.

May 15—Zambian troops open fire across the Rhodesian border. Two Canadian tourists are killed and 1 American is seriously wounded.

May 20—Black Africans stage a riot for 2 hours in the Harari African township.

SIKKIM

May 8—The *New York Times* reports an agreement between Palden Thondup Namgyal, the Chogyal or ruler, and the reform leaders, signed also by the Indian government, for a more democratic form of government, ending the crisis that led to India's takeover last month.

SINGAPORE

May 11—Prime Minister Lee Kuan Yew proposes the formation of a joint air-naval task force to include the United States, Japan, Australia and other Asian nations to keep the Indian Ocean and the western Pacific open to the commerce of all countries and to balance growing Soviet naval power.

SOUTH AFRICA

May 5—The government announces constitutional measures to give South-West Africa's most developed African homeland, Ovamboland, "bantustan" independence.

May 22—The South African government of Prime Minister John Vorster introduces legislation in Parliament to grant black workers a limited right to strike.

SPAIN

May 7—5,000 rightist demonstrators in an anti-Cabinet protest demand more power for the army and police, following the funeral of a policeman killed during anti-government demonstrations on May Day.

SUDAN

(See also *Intl, Middle East*)

May 8—President Gaafar al-Nimeiry dismisses his 16-member Cabinet, declaring an "administrative revolution."

SWITZERLAND

(See *U.S., Foreign Policy*)

U.S.S.R.

(See also *German Federal Republic; U.S., Foreign Policy*)

May 1—In a May-Day speech, Soviet Communist party leader Leonid I. Brezhnev urges improved Soviet-American relations and cooperation with the West, including France, West Germany and the United States as well as Japan.

May 13—Brezhnev confers with East German party leader Erich Honecker in East Berlin during a 1-day visit.

UNITED KINGDOM

Great Britain

(See also *Iceland*)

May 20—Prime Minister Edward Heath arrives in Paris for talks with French President Georges Pompidou.

May 22—Heath and Pompidou end a 2-day meeting. According to *The New York Times*, they have rejected a proposal for an Atlantic summit meeting to be held during President Nixon's European tour in the fall of 1973, and a "new Atlantic charter" proposed by Kissinger.

Northern Ireland

May 10—Guerrillas kill a militiaman, bringing the total of known deaths in nearly 4 years of violence in Northern Ireland to 785, including 214 militiamen and British soldiers.

UNITED STATES

Economy

May 2—President Nixon, in a policy statement apparently ruling out a price freeze, orders some 600 corporations to apply 30 days in advance for price increases averaging more than 1.5 per cent.

May 4—The Labor Department reports that the nation's unemployment rate continued at 5 per cent in April.

The nation's largest banks increase their prime rate to 7 per cent from 6¾ per cent on loans to large businesses.

May 10—The Federal Reserve Board raises its discount rate by a quarter point to 6 per cent for the second time in 3 weeks.

May 24—The Commerce Department reports that the U.S. foreign trade balance showed a surplus in April, the first surplus since September, 1971.

Foreign Policy

(See also *Intl, War in Indochina; United Kingdom*)

May 1—U.S. negotiators end Paris talks with the North Vietnamese, warning against violations of the cease-fire in Vietnam.

President Nixon's proposed foreign aid bill of \$2.9 billion includes \$632 million for rebuilding Cambodia, Laos and South Vietnam.

May 2—President Nixon and West German Chancellor Willy Brandt issue a joint statement following 2 days of talks in Washington; the statement discloses President Nixon's plans for an expanded European trip this fall.

May 3—President Nixon sends his 232-page State of the World Message to Congress. He outlines the U.S. approach for the talks this fall between the North Atlantic alliance and the Soviet bloc on mutual arms reductions in Central Europe.

President Nixon announces that his meeting with President Georges Pompidou of France will take place May 31 and June 1 in Iceland.

Henry A. Kissinger, presidential adviser on national security affairs, says he hopes negotiations for a cease-fire in Cambodia will begin soon.

May 4—The State Department indicates its opposition to French nuclear tests in the South Pacific.

May 9—Kissinger concludes 4 days of intensive talks with Soviet Communist party leader Leonid I. Brezhnev in Moscow. A joint statement expresses "their satisfaction."

Ambassador to Laos G. McMurtrie Godley (who has just completed his tour of duty) tells the Senate Foreign Relations Committee that the U.S. is financing 15 thousand–20 thousand Thai "irregular" troops in Laos despite the Vietnam and Laos cease-fires.

May 10—In London, Kissinger has "very cordial, very frank and very informal talks" with British Prime Minister Edward Heath and others.

May 11—Ambassador Ellsworth Bunker leaves South Vietnam today after serving there for 6 years.

White House press secretary Ronald L. Ziegler says bombing in Cambodia will continue in spite of the House of Representatives' action blocking the transfer of funds for such raids.

May 12—Brezhnev's visit to the United States for talks with President Nixon is scheduled for June 18–26.

May 13—In Mexico, the first stop in an 8-nation tour of Latin America, Secretary of State William P. Rogers confers with President Luis Echeverría Alvarez; he offers a plan for improving the Colorado River's salinity problem.

May 14—President Nixon nominates Kenneth B. Keating, former ambassador to India, as ambassador to Israel.

May 15—David K. E. Bruce, head of the new U.S. liaison mission in China, meets with Deputy Foreign Minister Chiao Kuan-hua, one day after his arrival in China.

May 19—President Nixon criticizes Hanoi for violating the cease-fire agreement. He declares that Hanoi has failed to provide a "full accounting for Americans missing in action."

May 25—The U.S. and Switzerland sign an agreement whereby the Swiss will aid U.S. investigators who wish to check secret bank accounts in Swiss banks in possible tax evasion cases. The accord must be ratified by the U.S. Senate and the Swiss Parliament.

May 30—In Reykjavik, President Nixon meets with Icelandic leaders on the eve of his scheduled conference there with French President Georges Pompidou.

May 31—In Iceland, President Nixon confers with President Pompidou.

Government

May 1—Former presidential assistant John D. Ehrlichman says President Nixon ordered a secret White House investigation that resulted in the break-in of Daniel Ellsberg's psychiatrist's office. According to a report made public in the Pentagon Papers trial, Watergate conspirators G. Gordon Liddy and E. Howard Hunt, Jr., were "designated" investigators.

May 2—U.S. District Court Judge William Matthew Byrne, Jr., presiding at the Pentagon Papers trial, says he met with Ehrlichman twice during the trial to discuss the possibility of his becoming director of the F.B.I.

The resignation of David Young from the staff of the National Security Council and the leave of absence of Egil Krogh from his position as Under Secretary of Transportation are announced; Ehrlichman reportedly told the F.B.I. that Young and Krogh headed the inquiry leading to the break-in of Ellsberg's psychiatrist's office.

The Justice Department charges the Finance Committee to Reelect the President with the absence of records of a \$200,000 campaign contribution made by financier Robert L. Vesco.

President Nixon nominates Howard H. Callaway, a former Congressman, to be Secretary of the Army.

A federal grand jury indicts Russell Means, leader of the American Indian movement, and 4 others, on charges of illegal transportation of arms to Wounded Knee, and of crossing state lines with intent to incite a riot.

May 4—Donald H. Segretti, a national campaign worker for President Nixon, and a Tampa accountant, George H. Hearing, are accused of mailing a fictitious and scurrilous letter on Senator Edmund Muskie's stationery during the Florida presidential primary as part of a plot to destroy Muskie's chances of becoming the Democratic presidential candidate.

President Nixon names General Alexander M. Haig, Jr., to be Assistant to the President, as an "interim" appointee replacing H. R. Haldeman, former White House Chief of Staff.

May 5—Indians and federal negotiators sign an agreement ending the 68-day occupation of Wounded Knee by militant Indians and providing for procedures for the disarmament and evacuation of the village.

May 7—Deputy White House press secretary Gerald L. Warren issues a statement denying that President Nixon had prior knowledge of the Watergate operation.

In a document released today in the Pentagon Papers trial, E. Howard Hunt, Jr., convicted Watergate conspirator, charges that President Nixon's former counsel, Charles W. Colson, ordered him to forge data to implicate President John F. Kennedy in the assassination of South Vietnamese President Ngo Dinh Diem.

May 8—A federal court orders the government to bring federal funding up to the full amount authorized by Congress last year by making \$6 billion available to the states for water pollution control.

The government confirms in the Pentagon Papers trial that the then deputy director of the Central Intelligence Agency, General Robert E. Cushman, Jr., ordered equipment for Hunt's use in the break-in of Ellsberg's psychiatrist's office on September 3, 1971. General Cushman is now commandant of the Marine Corps.

Outgoing Secretary of Defense Elliot L. Richardson asks Congress for \$1.2 billion in military aid.

May 9—Attorney General-designate Elliot L. Richardson tells the Senate Judiciary Committee that he will maintain "ultimate responsibility" for the Watergate investigation and prosecution if he becomes Attorney General.

A federal grand jury indicts John N. Mitchell, former U.S. Attorney General, Maurice H. Stans, former Secretary of Commerce, Harry L. Sears, former majority leader of the New Jersey Senate, and Robert L. Vesco, New Jersey financier, on charges of conspiracy to defraud the United States and to obstruct justice. Mitchell and Stans are also charged with committing perjury before the grand jury.

May 10—In the Pentagon Papers trial, the government discloses wiretaps on phone calls made by Ellsberg in 1969-1970.

President Nixon announces new appointments: John B. Connally as special adviser to the President on a part-time

basis; James R. Schlesinger as Secretary of Defense; William E. Colby to succeed Schlesinger as Director of the C.I.A.; Fred Buzhardt, Jr., general counsel of the Defense Department, to move to the White House as special counsel on Watergate matters on a temporary basis, to answer directly to the President.

Former White House counsel John W. Dean 3d warns of efforts "to limit or prevent my testifying fully and freely" in the Watergate investigation.

The House of Representatives votes, 219 to 188, to prevent the use of defense funds for the bombing of Cambodia. May 11—Judge Byrne dismisses all charges against Daniel Ellsberg and Anthony J. Russo, Jr., in the Pentagon Papers trial, citing "improper government conduct" and making clear a ruling barring a new trial.

General Robert E. Cushman, Jr., states that Richard Helms, his C.I.A. superior in 1971, and now Ambassador to Iran, "assented" to aid Hunt by providing equipment and disguises for the Ellsberg break-in.

May 14—Acting F.B.I. director William D. Ruckelshaus reports the finding of 17 wiretap records on newsmen and government officials in an Ehrlichman safe.

Former deputy campaign manager for the Committee for the Re-election of the President Jeb Stuart Magruder says President Nixon was actively involved in campaign planning until a month after the Watergate break-in.

Federal Judge John J. Sirica takes custody of "top secret" papers turned over to the court by Dean.

May 15—President Nixon, proposing a 17-member bipartisan election reform commission, suggests to Congress a single 6-year term for the President and a House term of 4 years instead of 2.

The C.I.A. deputy director, Lieutenant General Vernon A. Walters, reportedly tells the Senate Armed Services Committee that the C.I.A. turned down Dean's plea for help to "cover up" the Watergate case. A request by Ehrlichman and Haldeman to have the C.I.A. halt an F.B.I. inquiry into Nixon's reelection funds was also rejected.

A White House spokesman confirms presidential authorization of wiretapping the conversations of more than a dozen subordinates on the National Security Council and in the Defense Department in 1969 following a *New York Times* report of B-52 bombing in Cambodia. Wiretap reports went to national security adviser Henry A. Kissinger and his deputy, General Haig, now White House chief of staff.

May 16—G. Bradford Cook, chairman of the Securities and Exchange Commission, resigns following allegations that he deleted a reference to the secret \$200,000 political contribution made by Robert L. Vesco to President Nixon's reelection campaign from a S.E.C. complaint against Vesco.

Justice Department sources say that Henry A. Kissinger personally requested wiretaps on a number of his aides on the National Security Council.

May 18—Attorney General-designate Richardson names Archibald Cox, professor at the Harvard Law School, as the special prosecutor in the Watergate investigation.

President Nixon vetoes a bill requiring Senate confirmation of the director and deputy director of the Office of Management and Budget.

James W. McCord, Jr., convicted for breaking into the Democratic National Headquarters at the Watergate complex in June, 1972, testifies before the Senate committee investigating the Watergate scandal that he received an offer of executive clemency, financial aid and a promise of a job for keeping silent. He says that the offer was made

by John J. Caulfield, a former White House official; he charges that Caulfield invoked the President's name.

White House press secretary Ronald L. Ziegler declares that President Nixon had not authorized an offer of executive clemency for McCord.

May 19—During a telephone call initiated by his wife Martha, former Attorney General John Mitchell declares that efforts to make him the "fall guy" in the Watergate scandal will fail because "I never did anything mentally or morally wrong."

The General Accounting Office accuses Maurice H. Stans, chairman of the Finance Committee to Reelect the President, of attempting to avoid the disclosure requirements of the new federal campaign spending law.

In Camden, New Jersey, a jury finds 17 of the "Camden 28" not guilty of breaking into the Federal Building in Camden in 1971 and destroying draft records. The defendants admitted having done so; 80 F.B.I. agents were witnesses.

May 20—*The New York Times* reports that the White House established in 1970 a secret intelligence unit to gather information about radical and antiwar groups.

May 21—Mitchell, Stans, and Harry Sears, former Republican majority leader of the New Jersey Senate, plead not guilty before federal Judge John M. Cannella; they are charged with conspiracy to defraud the U.S. and obstruct justice. At issue is their attempt to get preferential treatment for Robert L. Vesco, a New Jersey financier in trouble with the S.E.C. Vesco does not appear, and is now considered a fugitive from justice. He is reportedly in Costa Rica or the Bahamas.

Senator Stuart Symington (D., Mo.) refers to a document containing a memorandum by General Vernon A. Walters, in which Haldeman is mentioned as having told an official of the C.I.A. that President Nixon wanted the C.I.A. to try to halt an inquiry into one aspect of the Watergate case.

May 22—President Nixon issues a 4,000-word statement admitting that the White House was involved in "wide-ranging efforts" to limit certain aspects of the Watergate investigation. The President admits that he asked for some limits to the Watergate inquiry in areas where the national security might be jeopardized. His statement also declares that "executive privilege will not be invoked as to any testimony concerning possible criminal conduct" in the Watergate investigation.

The Senate votes, 62 to 22, to override the President's veto of a bill requiring Senate confirmation of the director and deputy director of the Office of Management and Budget.

John J. Caulfield tells the Select Committee on Presidential Campaign Activities investigating the Watergate case that John W. Dean 3d, ousted presidential counsel, ordered him to offer McCord executive clemency.

May 23—The House of Representatives votes, 236 to 178, on a bill requiring Senate confirmation of the 2 top officials of the Office of Management and Budget. The House vote fails by 40 votes to override the President's veto.

By a vote of 82 to 3, the Senate confirms Elliot L. Richardson as attorney general.

May 24—According to *The New York Times*, Jeb Stuart Magruder, a key witness in the Watergate trial, has decided to plead guilty and serve as a witness for the prosecution.

Representative William O. Mills (R., Md.) is found shot to death, an apparent suicide. Mills received \$25,000 in an unreported cash transfer from President Nixon's campaign committee when he ran in a special election in 1971.

President Nixon, invoking the broad issue of "national security" in a speech to almost 600 cheering former prisoners of war, states that people who "steal secrets and publish them in the newspapers" should not be made into "national heroes."

May 25—A White House statement discloses that President Nixon's San Clemente estate is controlled by an investment company formed by Robert H. Abplanalp, a multimillionaire and close friend of the President.

Richardson is sworn in as attorney general. Cox is sworn in as special prosecutor in the Watergate case.

May 26—According to *The New York Times*, federal prosecutors have evidence that H. R. Haldeman and John D. Ehrlichman were involved in illegal activities against Daniel Ellsberg in 1971.

May 31—Voting 63 to 19, the Senate approves a provision for an absolute cut-off of funds for the U.S. bombing of Cambodia. The bill will go back to the House, which has approved a less restricted cut-off.

H. R. Haldeman, testifying before the Senate Appropriations Subcommittee on Intelligence Operations, "categorically" denies that he was involved in a cover-up of the Watergate case.

Labor

May 9—The AFL-CIO votes a fund of \$1.6 million to help Cesar Chavez's United Farm Workers in their fight with the Teamsters Union over which union will represent grape workers in the Cachella Valley of California.

Politics

May 2—Former Governor John B. Connally of Texas switches to the Republican party.

Science and Space

May 14—Skylab 1 orbits into space.

May 26—The Skylab astronauts board their space station to install a parasol to shade the malfunctioning overheated vehicle from intense sunlight.

May 28—Skylab 1 astronauts report that the orbiting space station is "in excellent shape."

Supreme Court

May 7—The Court rules, 6 to 3, that the Justice Department can block state legislature reapportionment plans in the South when they threaten to reduce the influence of black voters, thereby invalidating Georgia's 1972 districting plan for its House of Representatives.

May 14—The Court rules that armed forces regulations prohibiting female members from obtaining dependents' benefits for their husbands are an unjustifiable form of sex discrimination and unconstitutional.

May 21—By a vote of 4 to 4, the Court leaves standing a lower court decision that declared unconstitutional a Richmond, Virginia, desegregation plan. The plan proposed merging white suburbs with the predominantly black inner city school system. Justice Lewis F. Powell disqualified himself in this case.

May 29—In 2 separate cases, the Supreme Court decides in favor of law enforcement officials, broadening their powers to search suspects and seize evidence.

VIETNAM, REPUBLIC OF (South)

(See also *Intl. War in Indochina*)

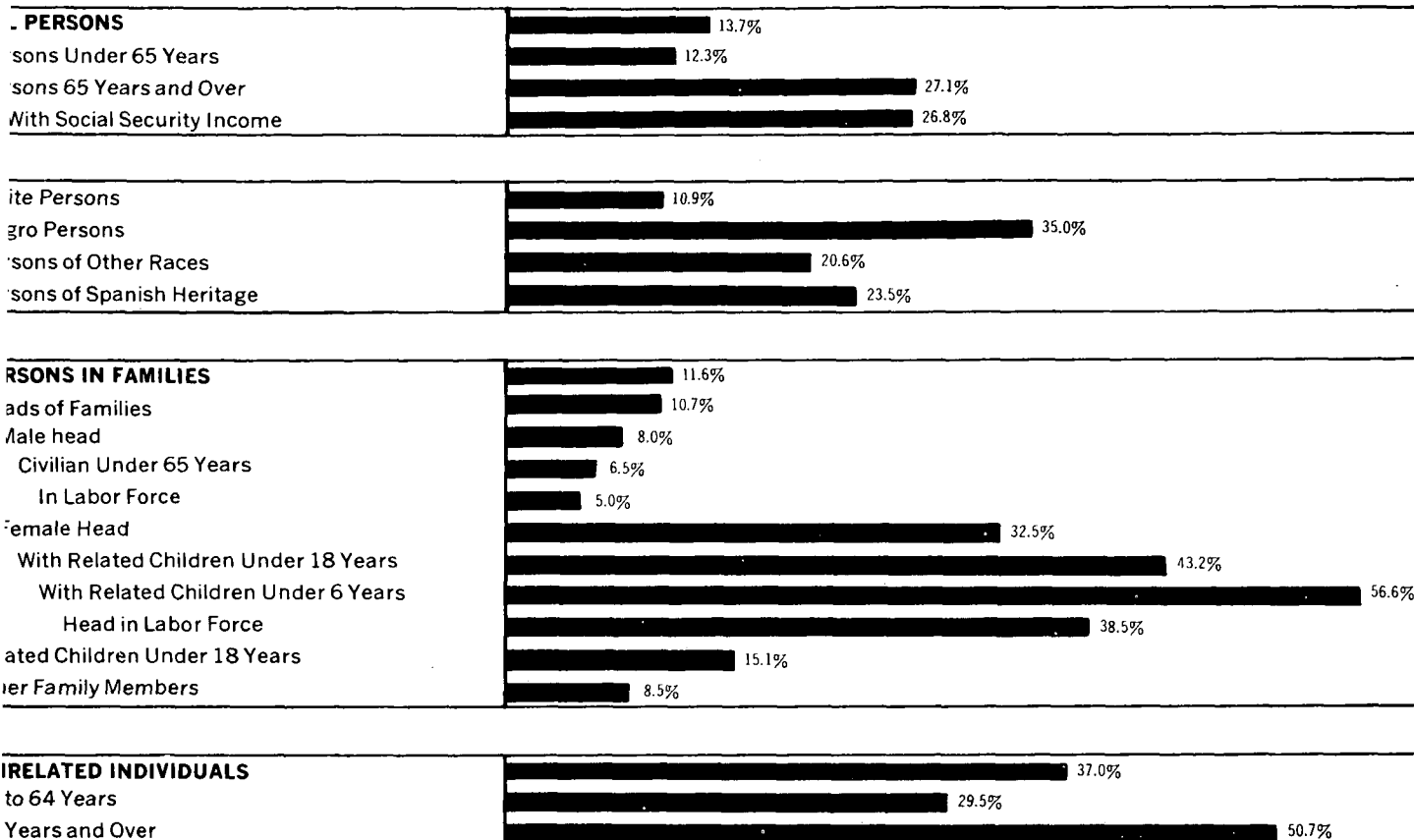
May 20—President Nguyen Van Thieu, in a radio and television address, announces an 8-year plan for reconstruction and economic development.

ZAMBIA

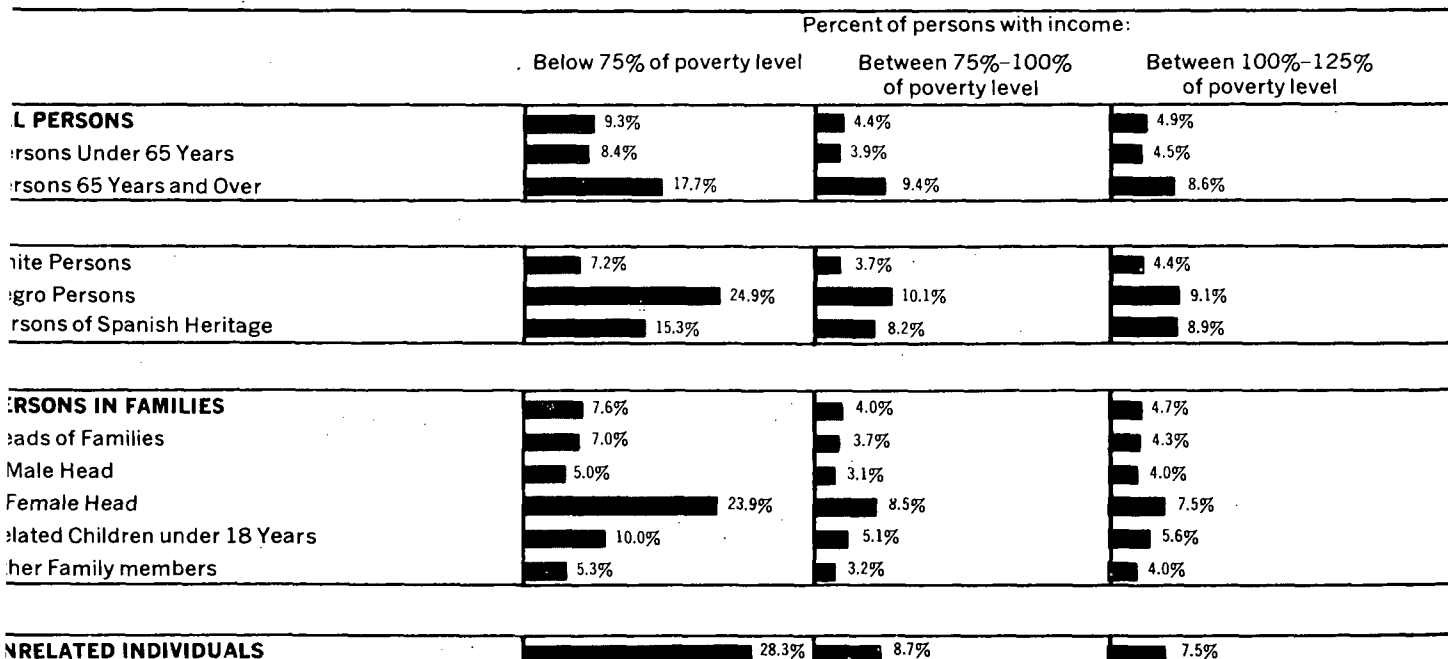
(See *Rhodesia*)

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